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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES,

OF THE SECOND

Legislative Assembly of Wisconsin:

SECOND SESSION:

BEGUN AND HELD AT MADISON, THE SEAT OF GOVERNMENT, ON
MONDAY, THE TWENTY-FIRST DAY OF JANUARY, IN THE
YEAR OF OUR LORD ONE THOUSAND EIGHT-
HUNDRED AND THIRTY-NINE.

WELSH & PLOWMAN, MINERAL POINT, W. T.

1839.

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

SECOND SESSION OF THE SECOND LEGISLATIVE ASSEMBLY OF THE TERRITORY OF WISCONSIN.

BEGUN and held at Madison, the seat of government, on Monday, the twenty-first day of January, in the year of our Lord one thousand eight hundred and thirty-nine, pursuant to a resolution of the Legislative Assembly, approved December 19th, 1838.

On which day the following named members appeared and took their seats, viz:

From the county of Brown.—Mr. Ebenezer Childs.

From the county of Milwaukee.—Messrs. Lucius I. Barber, William Shew, Henry C. Skinner, Ezekiel Churchill, and Augustus Story.

From the county of Racine.—Mr. Tristram C. Hoyt.

From the counties of Rock and Walworth.—Mr. Edward V. Whiton.

From the counties of Green, Dane, Jefferson, and Dodge.—Mr. Daniel S. Sutherland.

From the county of Iowa.—Messrs. Russel Baldwin, John W. Blackstone, and Thomas Jenkins.

From the county of Grant.—Messrs. Thomas Cruson, Nelson Dewey, Ralph Carver, and Joseph H. D. Street.

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From the county of Crawford.—Messrs, Alexander McGregor and Ira B. Brunson.

On motion of Mr. Carver,

John W. Blackstone was appointed Speaker, pro tem.

On motion of Mr. Childs,

John Catlin was appointed Chief Clerk, pro tem.

On motion of Mr. Barber,

George McIntyre was appointed Doorkeeper, pro tem.

On motion of Mr. Churchill,

William Bidwell was appointed Sergeant-at-arms, pro tem.

On motion of Mr. Cruson,

Thomas Coats was appointed Messenger, pro tem.

Mr. Childs presented the certificate of the qualification of the Hon. Charles Bracken, member elect from the county of Iowa, who was, thereupon, on motion, admitted to his seat.

Messrs. Collins and Wells, from the Council, were introduced, and informed the House that the Council were in organization, pro tem., and ready to proceed to business.

Messrs. Childs and Shew were appointed a committee to inform the Council, that this House is organized pro tempore, and ready to proceed to business.

Mr. Childs, from the committee appointed to wait upon the Council and inform them of the organization of the House, reported that they had performed that duty.

The following message was received from the Council, by the Secretary thereof:

"Mr. Speaker—Messrs. Bullen and Sterling have been appointed a committee, on the part of the Council, to act in conjunction with a similar committee to be appointed by this House, to wait upon his Excellency the Governor and inform him that the two Houses are now in organization, *pro tempore*, and ready to receive any communication he may have to make to them."

And then he withdrew.

The Speaker laid before the House a communication from Moses M. Strong, Esq., relating to the loan made by him as Fiscal Agent for the use of the Legislative Assembly, which was read, and

On motion of Mr. Barber,

The following preamble and resolution were adopted:

Whereas Moses M. Strong, Fiscal Agent of the Legislative Assembly of Wisconsin Territory, did, on the 26th day of December, A. D. 1838, borrow of Messrs. Collier and Pettis, of St. Louis, Missouri, fifteen thousand dollars, and in consideration of said loan, promised the said Collier and Pettis, to pay them the said sum of fifteen thousand dollars in ninety days from the date of said contract, with interest at the rate of seven per cent. per annum, for which payment the said Fiscal Agent pledged the faith of this Territory, and whereas a large portion of the money received by the said Fiscal Agent from the said Collier and Pettis was of a kind not authorized by the resolution of the Legislative Assembly:

Be it resolved by the Council and House of Representatives, that the Legislative Assembly approves of said loan, and hereby ratifies and agrees to the contract made on the 26th of December, 1838, by Moses M. Strong, Fiscal Agent of the Legislative Assembly, with Messrs. Collier and Pettis.

Ordered, That the Council be requested to concur therein.

On motion of Mr. Childs,

Resolved, That a committee of two be appointed to act in conjunction with a similar committee appointed by the Council, to wait upon his Excellency the Governor of the Territory, to inform him that the members of the two houses of the Legislative Assembly are now convened and in organization, pro tem., and ready to receive any communication he may see fit to make to them.

Messrs. Childs and Churchill were appointed the committee under the said resolution.

Ordered, That the Clerk acquaint the Council therewith.

On motion of Mr. Street,

Resolved, That the standing Rules of the House of last session be adopted until others are prepared and adopted.

Mr. Childs, from the joint committee appointed to inform his Excellency the Governor of the organization of the two Houses, pro tem., reported that the committee had performed the duty assigned to them, and were informed by his Excellency that he would communicate his message to the two Houses in person on to-morrow, at 12 o'clock M., in the Representatives' Hall.

On motion of Mr. Carver,

The House adjourned until to-morrow at 10 o'clock A. M.

TUESDAY, JANUARY 22, 1839.

The House met pursuant to adjournment, and the roll being called, the following members answered to their names, viz:

Messrs. Barber, Billings, Baldwin, Bracken, Brunson, Childs, Conroe, Churchill, Cruson, Carver, Dewey, Hoyt, Jenkins, McGregor, Newman, Sholes, Shackelford, Shew, Skinner, Story, Stevens, Sutherland, Street, Whiton, and Blackstone, Speaker.

On motion of Mr. Carver,

Ordered, That the House do now proceed to the election of Speaker, by ballot.

On motion of Mr. Childs,

Ordered, That two tellers be appointed.

Messrs. Childs and Shew were appointed tellers.

The votes having been taken and counted, the following was the result:

Mr. John W. Blackstone received ten votes.
" Ebenezer Childs, four,
" Edward V. Whiton, two.
" Lucius I. Barber, two.
" Charles C. Sholes, two.
" Russel Baldwin, one.
" Daniel S. Sutherland, one.
" Nelson Dewey, one.
" William Shew, one.
And blank one.

There being no choice, Mr. Brunson moved that the election of Speaker be postponed; which was disagreed to.

On motion of Mr. Shew,

The House proceeded to a second ballot, which resulted as follows:

Mr. Blackstone received eleven votes.
" Childs, five.
" Barber, two.
" Sholes, two.
" McGregor, one.
" Bracken, one.
" Dewey, one.
" Baldwin, one.
" Skinner, one.

Neither of the persons voted for having received a majority of all the votes, there was not a choice; and

On motion of Mr. Sholes,

The election of Speaker was postponed until afternoon.

On motion of Mr. Carver,

Ordered, That the House proceed to elect a Chief Clerk.

On motion of Mr. Billings,

Messrs. Childs and Shew were appointed tellers.

The votes were then taken, and on being canvassed, it appeared that John Catlin had received twenty-four votes, and was declared to be unanimously elected.

On motion of Mr. Sholes,

The House proceeded to elect an Assistant Clerk.

The votes being counted, it was found that A. W. Wright had received twenty-two votes, and

T. Charles Morgan had received two votes.

A. W. Wright was declared to be duly elected Assistant Clerk.

On motion of Mr. Childs,

Messrs. Catlin and Wright were sworn by the Speaker, for the true and faithful discharge of their respective duties in office.

The Secretary of the Council being introduced, delivered the following message:

"Mr. Speaker:—The Council have concurred in resolution No. 1 of this House, entitled "Preamble and Resolution relating to the loan made by Moses M. Strong, Esq., for the use of the Legislative Assembly."

"I am directed to inform this House, that James Collins, of Iowa, has been elected President of the Council."

And he then withdrew.

Mr. Carver moved that the Committees on Enrolled and Engrossed Bills be authorized to appoint as many Transcribing Clerks as may be necessary.

Mr. Sholes moved that the subject be postponed until afternoon, which motion having precedence, was put and agreed to.

On motion of Mr. Sholes,

Ordered, That the Clerk inform the Council, that seats have been prepared for them in the Represesentatives' Hall, and that the House is now ready to receive them, preparatory to the delivery of the Governor's message.

On motion of Mr. Childs,

Ordered, That a committee of two be appointed to wait upon his Excellency the Governor, and inform him that the two Houses have convened in the Representatives' Hall, and are ready to receive his message.

Messrs. Childs and Baldwin were appointed the said committee.

The Council having met the House in the Representatives' Hall, and his Excellency the Governor being introduced, delivered the following message:

Fellow-Citizens of the Council
and House of Representatives:

You have convened at the seat of the Territorial Government, agreeable to your adjournment, for the purpose of resuming your legislative duties. At the commencement of the late session of the Legislative Assembly, I recommended for your consideration such measures as I believed would best promote the present and future prosperity of the people of Wisconsin; as your time will be principally occupied in the completion of the unfinished business of your late session, and from the limited period prescribed by the organic law of Congress, for holding the sessions of the Legislative Assembly in this Territory, I deem it not necessary at this time to call your attention to any other subjects except those embraced in my late message, with the exception of our relations with the Winnebago Indians to which I would respectfully invite the attention of the Legislative Assembly.

Since your adjournment, I have received several written communications, dated on the 4th inst., from Watertown, Jefferson county, stating that the Winnebago Indians have been for the last month collecting in a body at or near Hustis' Rapids, on the upper Rock river, in Dodge county; that they are committing depredations on the property of the inhabitants, and have made threats that they would drive them from their homes; that one hundred Winnebago Indians passed Watertown about the first instant, and that two-thirds of them were provided with rifles, provisions, and horses; that they had recently erected a large building at the rapids on Rock river, said to be eighty feet in length, that would contain three hundred berths; and that the Indians themselves stated that from three to four hundred have crossed the Mississippi, and intend returning to the upper Rock river. It is also stated that the citizens of that part of the Territory are now in a state of alarm, and that they believe their lives may be endangered.

The Winnebago Indians ceded to the United States the Rock river country in September, 1832; and, although they were by express treaty stipulations bound to leave that country, they have continued to occupy it contrary to their treaty and to the great injury and annoyance of the inhabitants settled on the borders of the Rock river.

In a communication addressed to the Commissioner of Indian Affairs on the 19th ultimo, I expressed my views as to the removal of the Winnebago Indians from the east to the west of the Mississippi. By the third article of the treaty made at the city of Washington, on the first day of November, 1837, and approved on the 15th of June, 1838, the Winnebago Indians agreed to leave the country they had ceded to the United States in eight months from the ratification of the treaty, which would be on the twelfth of February next. I have earnestly recommended to the War Department, the propriety and necessity of posting mounted troops early in the season at Fort Winnebago. I respectfully recommend to the Legislative Assembly the propriety of memorializing the Secretary of War, requesting that at least four companies of United States dragoons may be, with the least possible delay, ordered to Fort Winnebago, for the purpose of collecting the Winnebago Indians, and forming an escort for their removal from the east to the west of the Mississippi; and I would suggest the propriety of memorializing the War Department, requesting that one thousand stand of arms, one-half rifles and the other muskets, with fixed ammunition prepared for them, should be forwarded to Fort Crawford, as early in the season as the navigation of the Mississippi will permit; the arms to be subject to my orders in case of emergency.

These precautionary measures I deem of the first importance, to insure the removal of the Winnebago Indians early in the spring, to prevent intrusions on the property of the frontier settlers, and to preserve peace with the Indians on our borders; and, unless the Government takes the proper steps to effect their removal early in the spring, I will assume the responsibility of raising a mounted volunteer corps of riflemen, (and head them in person,) sufficient to effect their removal from this Territory, with those who are advising and instigating the Winnebago Indians to remain east of the Mississippi, from no regard they have for the Indians themselves, but for the purpose defrauding them out of their annuities; and I have no hesitation in expressing my opinion that unless the necessary preparations are made to remove the Winnebago Indians, they will not leave the country they now occupy; and to prevent the trouble with them, mounted troops are absolutely necessary to effect their removal. Nothing would have a tendency more to retard the growth and prosperity of this Territory than Indian disturbances; and to prevent intrusions on our border settlements and difficulties with the Indians, it is proper to be prepared for any emergency. The frontier citizens of Wisconsin have a right to expect protection from the Government in the quiet enjoyment of their homes and property, and if that protection is not afforded them, their self-preservation places them in a situation to oblige them to act for themselves.

I trust, gentlemen, the utmost harmony and good feeling will exist in your official intercourse. The representatives of the people will have my co-operation in support of such measures as will promote the welfare, prosperity and happiness of the citizens of this Territory.

HENRY DODGE.

After the delivery of the message the Governor and Council retired from the Representatives' Hall.

On motion of Mr. Street,

Ordered, That one thousand copies of the Governor's message be printed for the use of this House.

On motion of Mr. Sutherland,

The House adjourned until 2 o'clock P. M.

2 O'CLOCK P. M.

Mr. Billings gave notice that on to-morrow, he should ask leave to introduce a bill to incorporate a Territorial Bank.

The Speaker laid before the House a communication from James G. Edwards, in relation to the printing of the laws of 1837–8. (See Appendix, Document A.)

Which was read, and

On motion of Mr. Carver, laid on the table.

On motion of Mr. Cruson,

Ordered, That the House proceed to the election of Speaker.

On motion of Mr. Sholes,

Ordered, That Messrs. Childs and Shew be requested to act as tellers until all the officers are elected.

The votes having been counted, it appeared that

Mr. Childs had received eleven votes.
" Barber, seven.
" Story, five.
" Dewey, one.
And blank, one.

There being no choice, the House proceeded to a fourth and fifth ballot, as follows:

Fourth ballot—

Mr. Childs received eleven votes.
" Barber, nine.
" Story, four.
And blank, one.

Fifth ballot—

Mr. Childs received eleven votes.
" Barber, nine.
" Story, three.
And blank, two.

On motion of Mr. McGregor,

The election of Speaker was postponed until to-morrow at eleven o'clock A. M.

Mr. Conroe moved that the House do now proceed to elect three transcribing clerks.

Mr. Carver moved to amend the motion so as to include all the officers to be elected.

Mr. Shackelford moved further to amend the amendment, as follows:

That the House do now proceed to elect a Sergeant-at-Arms;

Which was lost. Ayes 9, Noes 9.

The question was then taken on the amendment of Mr. Carver, and disagreed to.

The question was then taken on the original motion, and agreed to.

The ballots were then taken, and the following was the result:

George Bacheldor received thirteen votes.
Wm. B. Street, twenty.
Charles L. Le Grave, fifteen.
John Walker, seven.
Peter B. Grignon, ten.
James W. Henry, five.
Wm. B. Long, two.
Thomas C. Horner, one.
William S. Hamilton, one. And
Mr. Dunbar, one.

Messrs. Bacheldor, Street, and Le Grave were declared to be duly elected, and thereupon appeared at the clerk's table and were severally sworn.

On motion of Mr. Shew,

Ordered, That the House proceed to elect a Sergeant-at-Arms, Doorkeeper, and Messenger.

Three several ballotings were had for Sergeant-at-Arms, and the following was the result:

First ballot—

James Irvin had six votes.
Thomas J. Mormon, seven.
William Bidwell, seven.
D. F. Kimball, three. And
John Messersmith, jr., two.

Second ballot—

James Irvin had eight votes.
William Bidwell, nine.
Thomas J. Mormon, six. And
D. F. Kimball, two.

Third ballot—

William Bidwell had ten votes.
James Irvin, seven.
Thomas J. Mormon, five.
D. F. Kimball, two.
And blank, one.

On motion of Mr. Bracken,

The election of Sergeant-at-Arms was postponed until to-morrow.

The House then ballotted for the office of Doorkeeper, with the following result:

Thomas Coats had seven votes.
George McIntire, six.
D. F. Kimball, four.
William B. Long, four.
James Stevens, three. And
John Gallard, one.

No election.

On motion of Mr. Childs,

The election of officers was postponed until to-morrow.

On motion of Mr. Churchill,

The House adjourned.

WEDNESDAY, JANUARY 23, 1839.

The Speaker laid before the House a report and accompanying documents, submitted by Moses M. Strong, United States Attorney for the Territory of Wisconsin, relating to the title to the ground on which the Capitol stands.

Which was read, and

On motion of Mr. Carver,

Five hundred copies of the report and accompanying documents were ordered to be printed.

On motion of Mr. Sholes,

Ordered, That the House do now proceed to the election of Speaker.

The roll was then called, and the Sergeant-at-Arms sent after absent members.

Mr. Story declined being a candidate for the office of Speaker and desired his name might be withdrawn.

The absent members having appeared, the House proceeded to ballot for the sixth time, which resulted as follows:

Mr. Barber received thirteen votes.
" Childs, seven.
" Whiton, two.
" Conroe, one. And
" Churchill, one.

Mr. Barber was thereupon declared to be duly elected Speaker.

On motion of Mr. Childs,

Ordered, That a committee of two be appointed to conduct the Speaker elect to the chair.

Messrs. Childs and Shackelford were appointed the said committee.

The Speaker having been conducted to the chair, returned his thanks in the words following:

GENTLEMEN:—For this very flattering expression of your partiality and confidence, I tender you my thanks. To preside over the deliberations of this House, is an important and responsible station, and I should at once shrink from the acceptance of it, were I not encouraged to hope, that the same partiality which has elected me, will still prompt you to aid me when in difficulty, and to grant me your indulgence when I err.

I accept with gratitude the office to which you have elected me, and shall endeavor to discharge its duties according to the best of my abilities, and as I hope, to your satisfaction.

On motion of Mr. Story,

The House ballotted three several times for the office of Sergeant-at-Arms, as follows:

Fourth ballot:

Mr. Mormon had ten votes.
" Bidwell, eight.
" Irvin, five.
" Kimball, one. And
" Messersmith, one.

Fifth ballot:

Mr. Mormon had eleven votes.
" Bidwell, seven.
" Irvin, six. And
" Messersmith, one.

Sixth ballot:

Mr. Mr. Mormon had thirteen votes.
" Irvin, seven.
" Bidwell, five.

Thomas J. Mormon was declared to be duly elected Sergeant-at-Arms.

The House then proceeded to the election of Doorkeeper, and the result was as follows:

Mr. McIntire received thirteen votes.
" Coats, six.
" Kimball, five.
And blank, one.

George McIntire was declared to be duly elected.

The House then ballotted two several times for Messenger, as follows:

First ballot:

Mr. Rice had eleven votes.
" Fletcher, five.
" Stevens, four.
" Kimball, two.
" McIntyre, one. And
" Fowler, one.

Second ballot:

Mr. Rice received fifteen votes.
" Fletcher, six.
" Stevens, two.
" Hamilton, one. And
" Henry, one.

Silas H. Rice was thereupon declared to be duly elected Messenger.

Messrs. Mormon, McIntire, and Rice appeared at the Clerk's table, and were severally sworn truly and faithfully to discharge the duties of the respective offices to which they had been elected.

On motion of Mr. Childs,

The Sergeant-at-arms was authorized to employ a person to attend fires.

On motion of Mr. Carver,

The House adjourned until 2 o'clock P. M.

2 O'CLOCK P. M.

On motion of Mr. Story,

Resolved, That the thanks of this House be presented to the Hon. John W. Blackstone, for the efficient and impartial manner in which he has discharged the duties of Speaker, pro tem.

On motion of Mr. Baldwin,

Resolved, That the United States officers of this Territory be invited to take seats within the bar of this House, at pleasure.

On motion of Mr. McGregor.

Resolved, That the Chief Clerk of this House furnish a list of the members of this House to the Postmaster at this place and that the postage on all letters and papers sent and received by members, be paid out of the moneys appropriated for the expenses of the Legislative Assembly.

On motion of Mr. Churchill.

Resolved, That each member of this House be authorised to order, for his own use, at the expense of the Territory, any number of copies, not exceeding twenty each week, during the session, of any newspapers published in this Territory.

On motion of Mr. Skinner,

Resolved, That all regular Ministers of the Gospel residing at, or visiting, Madison, during the present session of the Legislature, are hereby invited to hold public worship in the Representatives' Hall on Sabbath days.

On motion of Mr. Street,

Resolved, That the members of the Council be invited to take seats within the bar of this House at pleasure.

On motion of Mr. Shew,

Resolved, That all Editors of newspapers in this Territory be invited to take seats within the bar of this House at pleasure.

On motion of Mr. Brunson,

Resolved, That the Rules of the House of Representatives of the last session, be adopted for the government of this body during the present session.

On motion of Mr. Churchill.

Resolved, That a committee of two be appointed by this House to act in conjunction with a committee to be appointed by the Council, to draft joint rules and orders for the government of the two Houses.

Messrs. Churchill and Sholes were appointed said committee.

Ordered, That the Council be acquainted therewith.

On motion of Mr. Shew,

Resolved, That J. A. Noonan be authorized to do the incidental printing of this House, during its present session.

On motion of Mr. Sholes, the Governor's message was referred to a select committee to consist of one member from each election district.

Messrs. Sholes, Shew, Stevens, Cruson, Brunson, Sutherland, Whiton, and Blackstone, were appointed said committee.

Mr. Sholes presented the petition of James Clark, which being read,

Mr. Carver moved that it be laid on the table.

Mr. Sholes moved to amend the motion, so that the petition be laid on the table for the present; which was agreed to.

Mr. Billings, agreeably to previous notice, for leave, introduced bill No. 1, entitled "A bill to incorporate the State Bank of Wisconsin," which was read the first and second time.

Mr. Street, by leave, presented a petition from the inhabitants of Cassville and vicinity, praying for the incorporation of a Territorial Bank.

Which was read and laid on the table for the present.

On motion of Mr. McGregor, the following resolution was adopted:

Resolved, That the postage on all letters, pamphlets, and papers, received by the members of this House, since the close of the last session, through the Post Office at Madison, be paid out of the monies appropriated to defray the expenses of the Legislative Assembly.

On motion of Mr. Sholes,

The House adjourned.

THURSDAY, JANUARY 24, 1839.

Mr. Whiton gave notice that on some future day, he should ask leave to introduce a bill for the organization of the County of Rock.

Mr. Childs presented a petition from the inhabitants of Fon du Lac, praying to be organized for county purposes.

Referred to the following select committee, viz: Messrs. Childs, Whiton, and Cruson.

The Secretary of the Council being introduced, delivered the following message:

"Mr. Speaker:—The Council have passed joint resolutions as follows, in which I am directed to ask the concurrence of this House, viz:

"No. 1, Joint resolution concerning the joint rules and regulations of the Library:

"No. 2, Joint resolution concerning the printing of bils; and

"No. 3, Joint resolution in relation to the incidental printing of the Legislative Assembly."

And then he withdrew.

Mr. Conroe gave notice, that on some future day he should ask leave to bring in a bill to amend an act entitled "An act to organize the counties of Manitouwoc and Sheboyagan."

On motion of Mr. Childs,

Resolutions from the Council were read a first and second time, entitled as follows:

No. 1, Joint resolution concerning the joint rules and regulations of the Library.

No. 2, Joint resolution concerning the printing of bills.

No. 3, Joint resolution in relation to the incidental printing of the Legislative Assembly.

On motion of Mr. Carver,

The several rules of the House were then suspended, in order that the said several resolutions be read the third time now, and they were then severally read the third time, passed, and the titles thereof agreed to.

Ordered, That the Council be acquainted therewith.

Mr. Jenkins gave notice, that on a future day he should ask leave to introduce a bill to provide for laying out a Territorial road from Mineral Point to Sinipee, on the Mississippi river.

On motion of Mr. Childs,

Resolved, That every bill, joint resolution, or memorial, except those already printed, shall be printed after its second reading unless otherwise ordered.

The following message was received from the Council, by the Secretary:

"Mr. Speaker:—I have been directed by the Council to present the report of the joint committee appointed to investigate the affairs of the Wisconsin Bank, with the accompanying documents."

And then he withdrew.

Mr. Childs called for the reading of the report of the bank committee, relating to the Bank of Wisconsin, received from the Council; which was read.

Mr. Carver moved that the reading of the documents accompanying the report be dispensed with;

Which was agreed to.

Mr. Childs moved that document "B," being the statement of the Cashier, be read; which was ordered, and was read.

Mr. Whiton moved that two hundred and fifty copies of the report and documents be printed for the use of this House.

Mr. Street moved to amend the motion so that five hundred copies should be printed.

Mr. Sholes moved further to amend, so that document "B" only should be printed with the report, and called for the ayes and noes.

The ayes and noes were taken, and were as follows, viz:

Ayes.—Messrs. Billings, Bracken, Brunson, Childs, Cruson, Sholes, Shackelford, Story, and Barber, speaker.—9.

Noes.—Messrs. Blackstone, Beardsley, Baldwin, Conroe, Churchill, Carver, Hoyt, Jenkins, McGregor, Newman, Shew, Skinner, Stevens, Sutherland, Street, and Whiton.—16.

So the amendment to the amendment was disagreed to.

A further amendment was then moved, which was, to dispense with the printing of the documents accompanying the report, and the ayes and noes being called for, were as follows, viz:

Ayes.—Messrs. Beardsley, Baldwin, Conroe, Churchill, Cruson, Carver, Hoyt, Jenkins, McGregor, Newman, Shew, Skinner, Stevens, Sutherland, Street, and Whiton.—16.

Noes.—Messrs. Billings, Bracken, Brunson, Childs, Sholes, Shackelford, Story, and Barber, speaker.—9

The question was then taken on printing five hundred copies of the report, and agreed to.

On motion of Mr. Sholes,

The House adjourned.

FRIDAY, JANUARY 25, 1839.

The Speaker announced the appointment of the following standing committees, viz:

On the Judiciary.—Messrs. Story. Bracken, Shackelford, Whiton, and Baldwin.

On Schools.—Messrs. Sholes, McGregor, Shew, Stevens, and Street.

On Internal Improvements.—Messrs. Blackstone, Skinner, Carver, Childs, and Street.

On the Militia.—Messrs. Jenkins, Brunson, Sutherland, Bracken, and Hoyt.

On Finances of the Territory.—Messrs. Carver, Billings, Conroe, Shew, and McGregor.

On Claims.—Messrs. Churchill, Cruson, Dewey, Jenkins, and Newman.

On Enrolled Bills.—Messrs. Street, Whiton, Baldwin, Brunson, and Sholes.

On Expenses.—Messrs. Baldwin, Carver, Sholes, Sutherland, and Conroe.

On Territorial Affairs.—Messrs. Bracken, Beardsley, Whiton, Dewey, and Blackstone.

On Engroſsed Bills.—Messrs. Childs, Dewey, Story, Billings, and Shackelford.

On Corporations.—Messrs. Billings, Cruson, Shackelford, McGregor, and Stevens.

On Agriculture and Manufactures.—Messrs. Cruson, Skinner, Hoyt, Newman, and Churchill.

On Roads.—Messrs. Conroe, Skinner, Beardsley, Stevens, and Sutherland.

Mr. Jenkins offered the following preamble and resolution, which were adopted:

Whereas, on the first Monday of March, 1838, there was an election held in the county of Iowa, and Territory of Wisconsin, for a Register of Deeds, at which election, Robert Dougherty received a large majority of the votes given for said office; and whereas, the incumbent, Henry Messersmith, refused to give up the records, papers, &c., belonging to said office, and an agreed case was submitted to the District Court of the United States in and for the county of Iowa, at the April term, and no decision, as far as the public know, has been had. Therefore

Resolved, That some Legislative action be had, and (with the view to ascertain the fact) that the Clerk of the District Court be directed to forward to the Speaker of this House forthwith copies of all the papers connected with the suit of Robert Dougherty against Henry Messersmith, a copy of the record and decision of Judge Dunn, the presiding Judge, if any there be.

Mr. Whiton from the committee appointed to revise the laws at the last session of the Legislative Assembly, reported the following bills, viz:

No. 2, "A bill concerning the rights of persons who are accused of crimes and offences."

No. 3, "A bill to provide for the punishment of offences against the lives and persons of individuals."

No. 4, "A bill to regulate indictments and proceedings in criminal cases before trial."

On motion, the said bills were read the first and second time by their titles.

Mr. Skinner gave notice that on some future day, he should ask leave to introduce a bill to establish a Territorial road from the foot of Geneva Lake, via Snail Lake, to Fon du Lac.

Mr. Childs presented the petition of inhabitants of the Territory, praying for a Territorial road from Orendorf's ferry to Madison.

Referred to the Committee on Roads.

Mr. Brunson presented the petition of citizens of Crawford, praying for the repeal of certain acts therein mentioned.

Referred to the committee appointed to revise the laws.

Mr. Sholes moved that the petition of James Clark, presented on the twenty-second inst., be referred to the Committee on Claims;

Which was agreed to.

Mr. Street moved that the petition of inhabitants of the county of Grant, praying for the incorporation of a Territorial Bank be referred to the Committee on Corporations.

So referred.

The Speaker laid before the House a communication from Mr. William B. Long, enclosing a bill of expenses in procuring copies of the laws.

Referred to the Committee on Expenses.

Mr. Sutherland gave notice that on some future day, he should ask leave to introduce a bill for a road from Janesville to the White Oak Springs.

On motion of Mr. Billings,

Resolved, That the chief Clerk be authorized to procure to be printed, fifty-two copies of the journal of each day's proceedings, for the use of the House.

Mr. Brunson, by leave introduced resolution No. 2, entitled "Resolution appointing a Fiscal Agent;

Which was read the first and second time.

The rule requiring bills and resolutions to be printed on the second reading was suspended in reference thereto, and the resolution was considered in the committee of the whole, Mr. Carver in the chair,

After some time the committee rose, and by its chairman reported the progress made therein, and asked leave to sit again on to-morrow.

Leave was granted.

Mr. Street, from the Committee on Enrolled Bills, reported resolution No. 1 to be correctly enrolled, entitled as follows:

"Preamble and resolution relating to the loan made by Moses M. Strong, Esq., for the use of the Legislative Assembly."

The Speaker signed the said resolution, and ordered it to be presented to the President of the Council for his signature.

On motion of Mr. Sholes,

The House resolved itself into the committee of the whole for the consideration of bill No. 2, entitled "A bill concerning the rights of persons who are accused of crimes and offences," Mr. Shackelford in the chair.

After a short time the committee reported, by their chairman, the bill without amendment.

The report of the committee was agreed to, and the bill was ordered to be engrossed for a third reading.

On motion of Mr. Sholes,

Bill No. 4, entitled "A bill to regulate indictments and proceedings in criminal cases, before trial, was considered in committee of the whole, Mr. Bracken in the chair.

After some time the committee rose and, by its chairman, reported the bill with an amendment.

The report of the committee was agreed to, and the bill ordered to be engrossed for a third reading.

The House then, on motion of Mr. Billings, considered bill No. 3, entitled "A bill to provide for the punishment of offences against the lives and persons of individuals," in committee of the whole, Mr. Street in the chair.

After some time the committee rose, and, by their chairman, reported the bill to the House with amendments.

The report of the committee was agreed to, and the bill ordered to be engrossed and read the third time.

Message from the Council by the Secretary thereof:

"Mr. Speaker:—I have been directed by the Council to present the report of the joint committee appointed to investigate the affairs of the banks of Mineral Point and Milwaukee, with accompanying documents."

And then he withdrew.

On motion of Mr. Story,

The House adjourned.

SATURDAY, JANUARY 26, 1839.

Petitions were presented and referred as follows:

By Mr. Story: the petition of the inhabitants of Milwaukee on the west side of the river, praying that the act incorporating said town may be amended to give authority to the corporation to maintain a harbor steamboat.

Referred to the following Select Committee: Messrs. Story, Conroe, and Sutherland.

By Mr. Carver: the petition of inhabitants of Grant county, praying for a ferry across the Mississippi river, at Sinipee.

Referred to Messrs. Carver, McGregor, and Baldwin.

By Mr. Churchill: the petition of Milwaukee and Racine counties, praying for a Territorial road from the State line of Illinois, on Fox river, to Prairie Village, via Foxville, Rochester, and Mequanego.

Referred to Messrs. Churchill, Skinner, and Beardsley.

Mr. Street offered the following resolution, which was adopted:

Resolved, That the Secretary of the Territory be, and he is hereby requested to furnish this House with all communications or information in his possession, from the Secretary of the Treasury, in relation to the appropriation made during the last session of Congress, to defray the expenses of the Legislative Assembly—stating what part (if any) of said appropriation he has received, and the causes if known why the amount appropriated has not been placed in his hands in time to meet the expenses of the Legislative Assembly.

Mr. Childs offered the following resolution; which was adopted:

Resolved, That the committee to whom was referred the Governor's message, be requested to call on his Excellency and request him to deliver to the committee all communications which he may have in his possession, relative to the Indian disturbances on the Rock and Wisconsin Rivers, as set forth in his message at the commencement of this session; and that the committee be instructed to have one hundred copies of the said communications printed.

Mr. Childs, from the committee on engrossed bills, reported bill No. 4, entitled "A bill to regulate indictments and proceedings in criminal cases before trial" to be correctly engrossed.

Mr. Whiton, from the committee appointed to revise the laws, reported the following bills: which were read the first and second time by their titles, viz:

No. 5, "A bill to provide for the punishment of forgery and counterfeiting."

No. 6. "A bill to regulate weights and measures."

No. 7. "A bill to provide for the collection of demands against boats and vessels."

The Speaker laid before the House the following communications, viz:

TERRITORY OF WISCONSIN,
Executive Department, January 25, 1839.

To the Honorable the Speaker
of the House of Representatives:

SIR:—I have this day examined and approved a preamble and resolution relating to the loan made by Moses M. Strong, Esq., for the use of the Legislative Assembly, and herewith return the same to your House, where it originated.

Very respectfully,
Your obedient servant,
HENRY DODGE.

POST OFFICE DEPARTMENT,
Contract Office, January 3, 1839.

SIR:—Your letter concerning certain resolutions adopted by the Legislature of Wisconsin, ordering a second weekly trip on route 2,004, from Milwaukee to Madison, is received.

In reply you are informed that the Post Master General is prohibited by law from paying for service not previously ordered by himself. A route is established by the recent act creating routes from Chicago to Madison, which will be put in operation as soon as can be done under the law. The Department will then decide which shall be the main eastern channel of communication with Madison.

Respectfully,
Your obedient servant,
S. R. HOBBIE,
First Ass't P. M. General.

JOHN CATLIN, Esq.
Chief Clerk H. Rep., Madison, W. T.

The report of the committee appointed at the last session to investigate the affairs of the Banks of Milwaukee and Mineral Point, was read, and

On motion of Mr. Childs,

Ordered, That two hundred and fifty copies of the report of the Mineral Point Bank be printed; and that the report of the Milwaukee Bank be laid on the table for the present, and the committee discharged.

No. 4. "A bill to regulate indictments and proceedings in criminal cases before trial," was read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be requested to concur therein.

The House then resolved itself into the committee of the whole for the consideration of resolution No. 2, entitled "Resolution appointing a Fiscal Agent," Mr. Dewey in the chair.

After some time the committee rose, reported progress, and asked leave to sit again.

Leave was granted.

Mr. Conroe, agreeably to previous notice for leave, introduced bill No. 6, entitled "A bill to amend an act to organize the counties of Manitouwoc and Sheboyagan."

Which was, on motion, read the first and second time.

The Speaker announced the appointment of Messrs. Sholes and Street, on the part of the House, members of the joint committee on enrolled bills.

Ordered, That the Council be informed thereof.

Mr. Childs, from the committee on enrolled bills, reported bill No. 2, "A bill concerning the rights of persons who are accused of crimes and offences," to be correctly engrossed.

On motion of Mr. Sholes,

The House resolved itself into the committee of the whole, for the consideration of bill No. 5, entitled "A bill to provide for the punishment of forgery and counterfeiting," Mr. McGregor in the chair.

After some time the committee rose, and, by their chairman, reported the bill to the House with amendments.

The report of the committee was agreed to.

On motion of Mr. Sholes,

Resolved, That after Monday next no bills of a general character reported to this House, shall be considered in committee of the whole, unless such bills shall have been printed and laid upon the desk of each member at least two days before the motion for consideration in committee.

Mr. Street, from the joint committee on enrolled bills, reported the following resolutions from the Council to be correctly enrolled, viz:

No. 1. "Joint resolution concerning the joint rules and regulations of the Library."

No. 2. "Joint resolution concerning the printing of bills."

No. 3. "Joint resolution in relation to the incidental printing of the Legislative Assembly."

The Speaker signed the said resolutions, and

Ordered, That they be presented to the President for his signature.

Mr. Sutherland, by leave, introduced bill No. 9, entitled "A bill to provide for laying out a Territorial road from Janesville to the White Oak Springs.

Which was read the first and second time by its title.

On motion of Mr. Billings,

The House adjourned.

MONDAY, JANUARY 28, 1830.

Mr. Brunson presented the petition of Magdaline Gauthier, praying for a divorce.

Referred to the following select committee, viz:

Messrs. Brunson, Churchill, and Beardsley.

Also, the petition of inhabitants in the vicinity of St Peters', praying for the establishment of a ferry across the Mississippi river at said place.

Referred to the following select committee, viz:

Messrs. Brunson, Baldwin, and Stevens.

Mr. Street, by leave, introduced resolution No. 3, (H. of R. file,) entitled "A resolution to appoint commissioners to draft a code of laws,"

Which was, on motion, read the first and second time by its title.

Mr. Billings, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 3. "A bill to provide for the punishment of offences against the lives and persons of individuals."

No. 5. "A bill to provide for the punishment of forgery and counterfeiting."

Mr. Whiton, from the committee on the revision of the laws, reported bill No. 10, entitled "A bill to provide for the punishment of offences against provide property."

Which, on motion, was read the first and second time by its title.

Engrossed bills on the table were then announced for the third reading, and were read the third time, passed, and the titles thereof agreed to, as follows:

No. 2. (H. of R. file.) "A bill concerning the rights of persons who are accused of crimes and offences."

No. 3. (H. of R. file.) "A bill to provide for the punishment of offences against the lives and persons of individuals."

No. 5. "A bill to provide for the punishment of forgery and counterfeiting."

On the question of the final passage of bill No. 3, the ayes and noes were called for by Mr. Jenkins, and were as follows:

Ayes,—Messrs, Beardsley, Billings, Baldwin, Brunson, Conroe, Churchill, Cruson, Carver, Dewey, Hoyt, Newman, Sholes, Shackelford, Shew, Skinner, Story, Stevens, Sutherland, Street, Whiton, and Barber, speaker.—20.

Noes.—Messrs. Blackstone, Bracken, Cruson, Jenkins, McGregor.—5.

Ordered, That the Council be requested to concur in the said several bills.

Mr. Billings from the committee on corporations, reported bill No. 11, entitled "A bill to incorporate the Beloit manufacturing company."

Which, on motion, was read the first and second time by its title.

On motion of Mr. Street,

The House resolved itself into the committee of the whole for the consideration of resolution No. 2, (H. of R. file,) entitled "A resolution appointing a Fiscal Agent," Mr. Dewey in the chair.

After some time the committee rose and, by its chairman, reported the bill without amendments.

The report of the committee was agreed to, and the bill ordered to be engrossed for a third reading.

Mr. Jenkins, by leave, introduced bill No. 12, entitled "A bill to provide for laying out and establishing a territorial road from Mineral Point to Sinipee."

Which was read the first and second time by its title.

Mr. Street moved that bill No. 1, (H. of R. file,) entitled "A bill to incorporate the State Bank of Wisconsin," be made the order of the day for Wednesday next.

Which was agreed to.

On motion of Mr. Billings,

The House resolved itself into the committee of the whole for the consideration of bill No. 6, (H. of R. file,) entitled "A bill to regulate weights and measures," Mr. Blackstone in the chair.

After a short time the committee rose and reported, by their chairman, the bill with an amendment.

The report of the committee was agreed to, and the bill was ordered to be engrossed for a third reading.

Mr. Billings, from the committee on engrossed bills, reported resolution No. 2, (H. of R. file,) entitled "Resolution to appoint a Fiscal Agent," to be correctly engrossed.

The said resolution was then announced for a third reading, and was read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be requested to concur therein.

Mr. Bracken moved the reconsideration of the vote taken on Saturday last, adopting the following resolution:

Resolved, That the committee to whom was referred the Governor's message, be requested to call on his Excellency, and request him to deliver to the committee all the communications which he may have in his possession relative to the Indian disturbances on the Rock and Wisconsin rivers, as set forth in his message at the commencement of this session; and that the committee be instructed to have one hundred copies of the said communications printed."

And the question having been propounded to the House, was put and agreed to.

The resolution was then amended, on motion of Mr. Shackelford, by striking therefrom the words "and that the committee be instructed to have one hundred copies of the said communications printed," and was adopted.

Mr. Whiton, by leave, introduced bill No. 13, entitled "A bill to incorporate Rock county, and for other purposes relating to the same."

Which was, on motion, read the first and second time.

On motion of Mr. Baldwin,

The House adjourned until 3 o'clock P. M.

3 O'CLOCK P. M.

Mr. Conroe, by leave, introduced resolution No. 4, entitled "Resolution to appoint a committee to investigate the affairs of the building of the Capitol at Madison."

Which was, on motion, read the first and second time.

On motion of Mr. Sholes,

Bill No. 7, entitled "A bill to provide for the collection of demands against boats and vessels," was considered in the committee of the whole, Mr. Cruson in the chair, and was reported by the committee to the House with amendments.

The report of the committee was agreed to, and the bill ordered to be engrossed for a third reading.

The following message was received from the Council, by the Secretary thereof:

"Mr. Speaker:—The Council have passed bills and resolutions as follows:

"No. 1. 'A bill to legalize certain acts of the Board of County Commissioners of Racine county, and for other purposes.'

"No. 8. 'A bill establishing Courts of Probate, defining their jurisdiction and powers, and directing the settlement of estates therein;' and

"No. 4. 'Joint resolution concerning the Fiscal Agent.'

"In which bills and resolution I am directed to ask the concurrence of this House."

And then he withdrew.

On motion of Mr. Sholes,

The House resolved itself into the committee of the whole, Mr. Shew in the chair, having bill No. 10 under consideration entitled "A bill to provide for the punishment of offences against private property."

After some time the committee rose, and reported the said bill to the House with amendments.

The report of the committee was agreed to, and the bill ordered to be engrossed for a third reading.

The Speaker laid before the House a message from the Executive, enclosing letters and affidavits relating the Winnebago Indians, which were read and referred to the committee to which the Governor's message was referred on the same subject.

On motion of Mr. Churchill.

The House adjourned.

TUESDAY, JANUARY 29, 1839.

Mr. Carver, from the select committee to whom was referred the petition of citizens of Grant county, by leave, reported bill No. 14, entitled "A bill to authorize Payton Vaughn to keep a ferry at the town of Sinipee, in the county of Grant, in this Territory."

Which was read the first and second time.

Mr. Brunson, from the select committee to whom was referred the petition of Joseph R. Brown and Magdaline Gauthier, by leave reported bills entitled as follows:

No. 15. "A bill to authorize Joseph R. Brown to keep a ferry across the Mississippi river."

No. 16. "A bill to divorce Magdaline Gauthier from Guillaume Gauthier, her husband."

Which were severally read the first and second time.

The rule requiring bills to be printed on the second reading was suspended with reference to bills Nos. 14, 15, and 16.

Mr. Sholes from the committee to whom were referred the message, letters, and affidavits relating to the Winnebago Indians, by leave, reported memorial No. 1, entitled "Memorial relative to Winnebago Indians," and resolution No. 2, entitled "Resolution relative to the Winnebago Indians."

Which, on motion of Mr. Childs, were severally read the first and second time.

Mr. Shackelford, from the committee of revision, reported bills as follows:

No. 17. "A bill concerning divorce;" and

No. 18. "A bill regulating marriages."

Which were severally read the first and second time.

Mr. Churchill, from the select committee to whom was referred the petitions of citizens of Milwaukee and Racine counties, reported bill No. 19, entitled

"A bill to provide for laying out and establishing a Territorial road from the Illinois State line to Prairie Village."

Which was read the first and second time.

Mr. Skinner, agreeably to previous notice for leave, introduced bill No. 20, entitled "A bill to locate and establish a Territorial road from the foot of Geneva Lake via Snail Lake to Fon du Lac."

Which was read the first and second time.

On motion of Mr. Stevens,

Bill No. 1, (C. file,) entitled "A bill to legalize certain acts of the board of county commissioners of Racine county, and for other purposes," was read the first and second time.

On motion of Mr. Childs,

The House resolved itself into the committee of the whole on said bill, Mr. McGregor in the chair.

After a short time the bill was reported by the committee to the House without amendment.

The report of the committee was agreed to.

The question was then propounded whether the bill should be engrossed and read the third time, and was determined in the negative, ayes 10, noes 11.

Ordered, That the Clerk acquaint the Council therewith.

Mr. Childs, from the committee on engrossed bills, reported bill No. 7, entitled "A bill to provide for the collection of demands against boats and vessels," to be correctly engrossed.

Which was read the third time.

Mr. Bracken then moved that the bill be committed to the committee of the whole House.

Which was agreed to.

The House then resolved itself into the committee of the whole on said bill, Mr. Conroe in the chair.

After some time the committee rose, and reported the bill to the House without amendment.

The bill was then passed, and title agreed to.

Ordered, That the Council be requested to concur therein.

On motion of Mr. Conroe,

The House considered the following bills in the committee of the whole, Mr. Baldwin in the chair, viz:

No. 14. "A bill to authorize Payton Vaughn to keep a ferry at the town of Sinipee, in the county of Grant, in this Territory."

No. 15. "A bill to authorize Joseph R. Brown to keep a ferry across the Mississippi river."

No. 16. "A bill to divorce Magdaline Gauthier from Guillaume Gauthier, her husband."

After some time the committee rose, and reported bill No. 14 with amendments, and bills Nos. 15 and 16 without amendment.

The report of the committee was agreed to.

On motion of Mr. Sholes,

Bill No. 14 was indefinitely postponed.

The question being on engrossing bill No. 15, Mr. Childs moved that it be indefinitely postponed, and the ayes and noes being called for, were as follows:

Ayes.—Messrs. Beardsley, Billings, Bracken, Childs, Dewey, Jenkins, Sholes, Shackelford, Skinner, Story, Stevens, Sutherland, and Barber, speaker.—13.

Noes.—Messrs. Baldwin, Brunson, Conroe, Churchill, Cruson, Carver, Mcgregor, Shew, and Street.—9.

So the bill was indefinitely postponed.

The question then being on engrossing bill No. 16, Mr. Childs moved its indefinite postponement, and the ayes and noes being called for on that motion, were as follows:

Ayes.—Messrs. Baldwin, Childs, Carver, Dewey, Jenkins, Sholes, Skinner, Story, Stevens, and Street.—10.

Noes.—Messrs. Beardsley, Billings, Bracken, Brunson, Conroe, Churchill, Cruson, Shackelford, Shew, Sutherland, and Barber, speaker.—11.

Mr. Sholes moved a call of the House; which was made, and absent members sent for—and pending the question on engrossing the bill for the third reading.

On motion of Mr. Sholes,

The House adjourned until 3 o'clock P. M.

3 O'CLOCK P. M.

The House resumed the consideration of bill No. 16, entitled "A bill to divorce Magdaline Gauthier from Guillume Gauthier, her husband.

The speaker having propounded the question to the House on engrossing the bill for the third reading, the ayes and noes were called for, and were as follows:

Ayes.—Messrs. Beardsley, Billings, Bracken, Brunson, Conroe, Churchill, Cruson, Newman, Shackelford, Shew, and Sutherland.—11.

Noes.—Messrs. Baldwin, Carver, Dewey, McGregor, Sholes, Stevens, Street, and Barber, speaker.—8.

So the bill was ordered to be engrossed.

Mr. Billings moved that the several petitions praying for divorce presented and referred last session, be again presented and referred.

Which motion was disagreed to.

Mr. Sholes moved the reconsideration of the vote on the said petitions.

Which was agreed to.

Mr. Billings then called for the ayes and noes on the motion to refer the said petitions, which were as follows:

Ayes.—Messrs. Beardsley, Billings, Bracken, Brunson, Churchill, Cruson, Newman, Shackelford, Shew, and Stevens.—10.

Noes.—Messrs. Baldwin, Childs, Conroe, Carver, Dewey, Jenkins, McGregor, Sholes, Skinner, Story, Sutherland, Street, and Barber, speaker.—13.

On motion of Mr. Childs,

The House resolved itself into the committee of the whole, on memorial No. 1, entitled "Memorial relating to the Winnebago Indians," Mr. Skinner in the chair.

After some time the committee rose and reported the said memorial without amendment.

The report of the committee was agreed to, and the memorial ordered to be engrossed and read the third time.

On motion of Mr. Childs,

The rules requiring bills and resolutions to be printed on e second reading, was suspended, in order that resolution No. 2, entitled "Resolution relating to the Winnebago Indians," be now considered in the committee of the whole.

The House resolved itself into the committee of the whole, on said resolution, Mr. Churchill in the chair.

After some time the committee rose, and reported the resolution without amendment.

The report of the committee was agreed to, and the resolution ordered to be engrossed for the third reading.

On motion of Mr. Billings,

The House adjourned.

Wednesday, January 30, 1839.

Mr. Childs, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 16. "A bill to divorce Magdeline Gauthier from Guillaume Gauthier, her husband."

No. 5. "Resolution relating to the Winnebago Indians."

Mr. Story, from the select committee to whom was referred the petition of inhabitants of Milwaukee on the west side of Milwaukee river, reported bill No. 21, entitled "A bill to amend an act entitled an act to authorize the president and trustees of Milwaukee on the west side of Milwaukee river, to borrow money for the purpose therein mentioned."

Which, on motion, was read the first and second time by its title.

Mr. Conroe moved the reconsideration of the vote taken on yesterday, indefinitely postponing bill No. 1, (C. F.) entitled "A bill to legalise certain acts of the board of commissioners of Racine county, and for other purposes," and pending the question thereon, the Secretary of the Council was introduced and delivered the following message.

"Mr. Speaker:—The Council have passed bills and a resolution as follows:

No. 8. "A bill to repeal certain acts therein named."

No. 9. "A bill to legalize the acts of certain officers."

No. 5. "A resolution concerning the enacting clause."

In which bills and resolution, I am directed to ask the concurrence of this House."

And then he withdrew.

The motion made by Mr. Conroe relating to bill No. 1 was put and agreed to.

The bill was then ordered to be engrossed and read the third time.

Mr. Childs, from the committee on engrossed bills, reported the said bill, No. 1 (C. F.) to be correctly engrossed.

Engrossed bills and resolutions were then read the third time, passed, and the titles agreed to, as follows:

No. 5. "Resolution relating to the Winnebago Indians."

No. 1. (C. F.) "A bill to legalise certain acts of the board of county commissioners of Racine county, and for other purposes."

On the question of passage of the latter bill, the ayes and noes were called for, and were as follows:

Ayes.—Messrs. Blackstone, Beardsley, Billings, Baldwin, Brunson, Childs, Conroe, Churchill, Carver, Hoyt, Jenkins, Newman, Skinner, Story, Stevens, Sutherland, Whiton, and Barber, speaker.—18.

Noes.—Messrs. Bracken, Cruson, Dewey, McGregor, Sholes, Shackelford, and Shew.—7.

Bill No. 16, entitled "A bill to divorce Magdeline Gauthier from Guillaume Gauthier, her husband," was read the third time; and a motion being made that the bill be indefinitely postponed, the ayes and noes were called for, and were as follows:

Ayes.—Messrs. Baldwin, Bracken, Childs, Conroe, Cruson, Carver, Dewey, Hoyt, Jenkins, McGregor, Sholes, Skinner, Story, Stevens, Sutherland, Street, Whiton, and Barber, speaker.—18.

Noes.—Messrs. Blackstone, Beardsley, Billings, Brunson, Churchill, Newman, Shackelford, and Shew.—8.

So the bill was indefinitely postponed.

The House then proceeded to consider the special order of the day being bill No. 1, (H. R. File,) entitled "A bill to incorporate the State Bank of Wisconsin," and

On motion of Mr. Street,

The House resolved itself into the committee of the whole on said bill, Mr. Brunson in the chair.

After some time the committee rose, reported progress, and asked leave to sit again.

Leave was granted.

On motion of Mr. Whiton,

The House adjourned until 3 o'clock P. M.

2 O'CLOCK P. M.

The House resumed the consideration of bill No. 1, and

On motion of Mr. Carver,

The bill was again considered in the committee of the whole, Mr. Brunson in the chair.

After a long time the committee rose and by its chairman reported the progress made therein, and asked leave to sit again on to-morrow.

The following message was received from the Council by the Secretary thereof:

Mr. Speaker:—The Council have passed bills of the following titles, viz:

No. 4. "A bill relating to supreme court commissioners."

No. 10. "A bill concerning the time when acts shall take effect."

No. 13. "A bill concerning set-offs."

No. 14. "A bill concerning amendments."

No. 15. "A bill concerning the construction of statutes."

No. 16. "A bill concerning supreme court commissioners."

In which several bills I am directed to ask the concurrence of this House.

And then he withdrew.

On motion of Mr. Skinner,

The House adjourned.

TUESDAY, JANUARY 31, 1839.

Mr. Billings presented the petition of inhabitants of Iowa county, praying for the construction of a rail road from Madison to the Wisconsin river at Wisconsin city.

Referred to the committee on internal improvements.

Mr. Childs, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 10. “A bill for the punishment of offences against private property.”

No. 6. “A bill to regulate weights and measures.”

No. 1. “Memorial relative to the Winnebago Indians.”

The Speaker laid before the House a communication from the clerk of the Iowa district court, certifying certain records and papers relating to the Register of Deeds of Iowa county.

Referred to the following select committee, viz:

Messrs. Jenkins, Bracken, and Childs.

The Secretary of the Council being introduced, delivered the following message:

“Mr. Speaker.—The Council have concurred in bills of this House as follows:

“No. 2. ‘A bill concerning the rights of persons who are accused of crimes and offences.”

“No. 4. “A bill to regulate indictments and proceedings in criminal cases before trial;” without amendment, and in

“No. 3. ‘A bill to provide for the punishment of offences against the lives and persons of individuals.”

“No. 5. ‘A bill to provide for the punishment of forgery and counterfeiting,” with amendments thereto.

“In which amendments I am directed to ask the concurrence of this House.”

And then he withdrew.

Engrossed bill No. 10, (H. of R. file,) entitled “A bill to provide for the punishment of offences against private property,” was, on motion of Mr. Bracken, re-committed to the committee of the whole House.

The House then considered the bill in the committee of the whole, Mr. Sholes in the chair.

After some time the committee rose, and, by their chairman, reported the bill to the House with an amendment.

The report of the committee was agreed to, and the bill was ordered to be engrossed for the third reading.

Mr. Story, from the committee on engrossed bills, reported No. 10, entitled "A bill for the punishment of offences against private property," to be correctly engrossed.

Engrossed bills and memorial were then read the third time, passed, and the titles thereof agreed to, as follows:

No. 6. "A bill to regulate weights and measures."

No. 10. "A bill for the punishment of offences against private property;" and

No. 1. "Memorial relative to the Winnebago Indians." [See Appendix, memorial No. 1.]

Ordered, That the Council be requested to concur therein.

The House then proceeded to consider the special order of the day, being bill No. 1, entitled "A bill to incorporate the State Bank of Wisconsin," and

On motion of Mr. Billings,

The House resolved itself into the committee of the whole on the said bill, Mr. Brunson in the chair.

After a short time the committee rose and reported the progress made therein, and asked leave to sit again this afternoon.

Leave was granted.

On motion of Mr. Skinner,

The House adjourned until 3 o'clock P. M.

3 O'CLOCK P. M.

The following bills returned from the Council with amendments, were considered, and the amendments concurred in, entitled as follows:

No. 3. "A bill to provide for the punishment of offences against the lives and persons of individuals."

No. 5. "A bill to provide for the punishment of forgery and counterfeiting."

Ordered, That the Council be acquainted therewith.

On motion of Mr. Whiton,

The following bills and resolutions, from the Council, were read the first and second time by their titles, viz:

No. 3. "A bill to repeal certain acts therein named."

No. 4. "A bill relating to supreme court commissioners."

No. 8. "A bill establishing courts of probate, defining their jurisdiction and powers, and directing the settlement of estates therein.

No. 9. "A bill to legalize the acts of certain officers."

No. 10. "A bill concerning the time when acts shall take effect."

No. 13. "A bill concerning set-offs."

No. 14. "A bill concerning amendments."

No. 15. "A bill concerning the construction of statutes."

No. 16. "A bill concerning supreme court commissioners."

No. 4. "A joint resolution concerning the Fiscal Agent;" and

No. 5. "A resolution concerning the enacting clause."

Mr. Bracken moved to adjourn; which was disagreed to—ayes 8, noes 11.

The House then, on motion of Mr. Street, resolved itself into a committee of the whole, on bill No. 1, "A bill to incorporate the State Bank of Wisconsin," Mr. Conroe in the chair. After some time the committee rose and, by its chairman, reported the bill with amendments.

Mr. Sholes then moved an adjournment; which was disagreed to.

A motion was then made by Mr. Sholes, that the question on agreeing to the report of the committee of the whole be severed, and that the vote of the House be taken on each amendment.

The motion was lost, ayes 9, noes 10.

The report of the committee was then agreed to.

Mr. Shackelford moved to amend the 28th section by inserting after the words "shall be obtained," the words following: "Provided, That if said corporation shall fail to go into operation within two years from the passage hereof, or shall in the opinion of the Legislature, abuse or misuse their privileges under this charter, it shall be in the power of the Legislature, at any time, to annul, vacate, and make void this charter."

Mr. Sholes moved the following as a substitute to the amendment offered by Mr. Shackelford.

Whenever the Legislative Assembly of this Territory or State that may hereafter be, shall be of opinion that this charter has been violated, and that the same has been forfeited, it may be lawful by joint resolution, to direct a *scire facias* to issue from the District Court of the Judicial District in which the mother bank may be situated, in the name of the Territory of Wisconsin, or State, that may hereafter be, calling on said bank to show cause why its charter shall not be declared forfeited, and the service of said *scire facias* upon the President and two of the Directors of the principal bank, shall be a sufficient service, and upon the return of the *scire facias*, said court shall examine into the truth of such alleged violations, and if such violations be made to appear, then to pronounce and adjudge that the said charter is forfeited and annulled: Provided, however, That the said *scire facias* shall specify the nature of the complaint and the ground upon which the forfeiture is claimed. Every issue of fact between the Territory or State and said bank, shall be tried by a jury empannelled in said court for that purpose: and if at any time it appear, by *scire facias*, or other judicial proceeding, in any court of record in this Territory, or State that may be, that said bank has violated its charter by exceeding the amount of issues herein authorized, or in any other manner, the directors voting for, or who may have sanctioned such violation of the charter, shall be responsible in their private property, for any loss or damage which may be sustained by any person or persons in consequence of such violation—said individual liability shall be enforced against said directors, when said bank shall have ceased to pay its debts and redeem its notes at its usual place of business, and judgment shall have been regularly first obtained against said bank, and execution shall have been returned unsatisfied, and that no property of the said bank can be found to satisfy the same and not before. And if said bank shall not be put in operation within two years after this act shall have received the sanction of Congress, this charter shall be null and void.

The question being on agreeing to the substitute offered by Mr. Sholes, the ayes and noes were called for by Mr. Childs, and were as follows:

Ayes.—Messrs. Blackstone, Beardsley, Billings, Baldwin, Bracken, Brunson, Childs, Conroe, Churchill, Cruson, Carver, Dewey, Sholes, Shew, Skinner, Sutherland, Street, and Barber, speaker.—18.

Noes.—Messrs. McGregor, Newman, Shackelford, Story, and Whiton.—5.

So the substitute was adopted.

Mr. Carver moved the following amendment:

After the word "dollars," section 2, line 1, strike out the words "to be subscribed by the citizens and inhabitants of this Territory."

The amendment was lost.

Mr. Shackelford moved the adoption of the following amendment:

Insert after section 26 the following section:

"27. No one director shall be permitted at any one time to become indebted to the bank by loans, endorsement, or otherwise, to an amount exceeding five thousand dollars."

The ayes and noes being called for on agreeing to the said amendment, were as follows:

Ayes.—Messrs. Blackstone, Beardsley, Billings, Baldwin, Bracken, Brunson, Childs, Conroe, Churchill, Dewey, Jenkins, Newman, Sholes, Shackelford, Shew, Skinner, Story, Sutherland, Street, Whiton, and Barber, speaker.—21.

Noes.—Messrs. Cruson, Carver, and McGregor.—3.

On motion of Mr. Skinner,

The House adjourned.

FRIDAY, FEBRUARY 1, 1839.

Petitions were presented and referred as follows, viz:

By Mr. Hoyt: The petition of inhabitants of Mount Pleasant, praying for the construction of a Territorial road from Mount Pleasant, via Rochester, Troy, and Fort Atkinson, to Madison.

The petition of inhabitants of the town of Rochester, in the county of Racine, for a Territorial road from Madison to Rochester.

Referred to the committee on roads.

Also, the petition of Martin C. Whitman, praying for the passage of a law granting him the right to build a dam across Fox river, for Hydraulic purposes.

Referred to the following select committee, viz:

Messrs. Hoyt, Whiton, and Shew.

By Mr. Sutherland: The petition of inhabitants of Dane county, praying to be organized for county, township, and judicial purposes.

Referred to the following select committee, viz:

Messrs. Sutherland, Shackelford, and Brunson.

Mr. Story gave notice that he should on to-morrow ask leave to introduce a bill to incorporate the Milwaukee Hydraulic and Manufacturing company.

Mr. Street, from the committee on enrolled bills, reported the following to be correctly enrolled, viz:

"An act to regulate indictments and proceedings in criminal cases before trial."

"A bill to legalise certain acts of the board of county commissioners of Racine county, and for other purposes."

The said acts were then signed by the Speaker, and ordered to be presented to the President of the Council for his signature.

On motion of Mr. Skinner,

Bill No. 8, entitled "A bill to amend an act to organize the counties of Manitouwoc and Sheboyagan," was considered in the committee of the whole, Mr. Whiton in the chair.

After some time the committee rose and reported the bill to the House without amendment.

Which was ordered to be engrossed and read a third time.

On motion of Mr. Whiton,

The House resolved itself into the committee of the whole on bills and resolutions from the Council, Mr. Sholes in the chair, entitled as follows:

No. 3. "A bill to repeal certain acts therein named."

No. 4. "A bill relating to supreme court commissioners."

No. 8. "A bill establishing courts of Probate, defining their jurisdiction and powers, and directing the settlement of estates therein."

No. 9. "A bill to legalize the acts of certain officers."

No. 10. "A bill concerning the time when acts shall take effect."

No. 13. "A bill concerning set-offs."

No. 14. "A bill concerning amendments."

No. 15. "A bill concerning the construction of statutes."

No. 16. "A bill concerning supreme court commissioners."

Resolution No. 4. "Joint resolution concerning the Fiscal Agent."

No. 5. "A resolution concerning the enacting clause."

After some time the committee rose and by its chairman reported resolutions Nos. 4 and 5, and bills Nos. 4 and 10 without amendment, and bill No. 8 with amendment, and asked leave to sit again this afternoon, on bills Nos. 3, 9, 13, 14, 15, and 16.

The report of the committee was agreed to, and leave was granted.

On motion of Mr. Sholes,

The House adjourned until 3 o'clock P. M.

3 O'CLOCK P. M.

On motion of Mr. Sholes,

The House resolved itself into the committee of the whole, Mr. Story in the chair, having the following bills from the Council under consideration:

No. 3. "A bill to repeal certain acts therein named."

No. 9. "A bill to legalize the acts of certain officers."

No. 13. "A bill concerning set-offs."

No. 14. "A bill concerning amendments."

No. 15. "A bill concerning the construction of statutes."

No. 16. "A bill concerning supreme court commissioners."

After some time the committee rose, and reported bills Nos. 3 and 9, with amendments, and asked leave to sit again on Monday next, on bills Nos. 13, 14; 15, and 16.

The report was agreed to, and leave was granted.

The Secretary of the Council being introduced, delivered the following message:

"Mr. Speaker:—The Council have passed bills of the following titles, viz:

"No. 19. A bill concerning the writ of attachment.

"No. 21. A bill concerning the admission of attorneys at law.

"And have concurred in No. 7, of this House, entitled "A bill to provide for the collection of demands against boats and vessels."

"In which bills and resolution, I am directed to ask the concurrence of this House."

And then he withdrew.

Bill No. 1, entitled "A bill to incorporate the State Bank of Wisconsin." was, on motion of Mr. Shackelford recommitted to the following select committee, viz:

Messrs. Blackstone, Carver, Story, Dewey, and McGregor.

Mr. Childs by leave presented the account of Charles C. Sholes.

Referred to the committee on claims.

The following bills from the Council were severally ordered to be engrossed:

No. 3. "A bill to repeal certain acts therein named."

No. 8. "A bill establishing courts of Probate, defining their jurisdiction and powers, and directing the settlement of estates therein."

No. 9. "A bill to legalize the acts of certain officers."

No. 4. "A bill relating to supreme court commissioners."

Bills and resolutions from the Council were considered and

On motion of Mr. Brun

Resolution No. 4, entitled "Resolution concerning the Fiscal Agent," was laid on the table for the present.

On motion of Mr. Street,

Resolution No. 5, entitled "Resolution concerning the enacting clause," was indefinitely postponed.

Ordered, That the Council be acquainted therewith.

Bill No. 10, entitled "A bill concerning the time when acts shall take effect," being under consideration,

Mr. Street moved the following amendment:

Strike out, in section 1, line 2, the words "fourth day of July," and insert the words "fourth day of June,"

Which was disagreed to.

The bill was then ordered to be engrossed and read the third time.

Mr. Billings gave notice that on some future day he should, by leave, introduce a bill to provide for laying out a Territorial road from Mineral Point to English Prairie, on the Wisconsin river.

Mr. Beardsley asked and obtained leave to withdraw the petition of Adaline Keats.

Mr. Street, from the joint committee on enrolled bills, reported "An act concerning the rights of persons who are accused of crimes and offences," to be correctly enrolled.

The Speaker signed the said act and ordered it to be presented to the President of the Council for his signature.

Mr. Childs, from the committee on engrossed bills, reported "A bill concerning the time when acts shall take effect," to be correctly engrossed.

The said bill was then read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be acquainted therewith.

On motion of Mr. Shackelford,

The House resolved itself into the committee of the whole on the following bills, Mr. Childs in the chair, viz:

No. 17. "A bill concerning divorce."

No. 18. "A bill regulating marriages."

After some time the bill was reported by the committee to the House with amendments.

The report of the committee was agreed to, and the bill ordered to be engrossed for a third reading.

On motion of Mr. Billings,

The House adjourned.

SATURDAY, FEBRUARY 2, 1839.

Mr. Street from the joint committee on enrolled bills, reported

An act to provide for the punishment of forgery and counterfeiting," to be correctly enrolled.

Mr. Sholes, from the same committee, reported

"An act to provide for the punishment of offences against the lives and persons of individuals," to be correctly enrolled.

The said acts were signed by the Speaker, and ordered to be presented to the President of the Council for his signature.

Mr. Childs, from the committee on engrossed bills, reported the following from the Council, to be correctly engrossed, viz:

No. 3. "A bill to repeal certain acts therein named."

No. 4. "A bill relating to supreme court commissioners,"

No. 8. "A bill establishing courts of Probate, defining their jurisdiction and powers, and directing the settlement of estates therein," and

No. 9. "A bill to legalize the acts of certain officers."

Mr. Childs presented the account of James Morrison, which was referred to the committee on claims.

A message from the Council, returning bill No. 7, entitled "A bill to provide for the collection of demands against boats and vessels," with an amendment, was considered and the amendment was concurred in.

Ordered, That the Council be informed thereof.

On motion of Mr. Whiton,

The following bills, from the Council, were read the first and second time by their titles, viz:

No. 19. "A bill concerning the writ of attachment," and

"No. 21. A bill concerning the admission of attorneys at law."

On motion of Mr. Skinner,

Resolution No. 4, (H. R. F.) "A resolution to appoint a committee to investigate the affairs of the building of the capitol at Madison," was considered in the committee of the whole, Mr. Beardsley in the chair.

After a short time the committee rose and reported the resolution without amendment.

The report of the committee was agreed to, and the resolution ordered to be engrossed for a third reading.

Mr. Childs, from the committee on engrossed bills, reported

No. 8. "A bill to amend an act to organize the counties of Manitouwoc and Sheboyagan," and moved that the bill be recommitted to the committee of the whole House.

Which was agreed to.

The House resolved itself into the committee of the whole on said bill, Mr. Shackelford in the chair.

After some time the committee rose and by its chairman reported the bill with amendments.

The report of the committee was agreed to, and the bill again ordered to be engrossed for a third reading.

The undermentioned bills, from the Council, were then announced for a third reading, and were severally read the third time, passed, and the titles thereof agreed to, viz:

No. 3. "A bill to repeal certain acts therein named."

No. 4. "A bill relating to supreme court commissioners."

No. 8. "A bill establishing courts of Probate, defining their jurisdiction and powers, and directing the settlement of estates therein."

No. 9. "A bill to legalize the acts of certain officers."

Ordered, That the Council be acquainted therewith, and be requested to concur in the amendments to bill No. 8.

The following resolution and bills (H. R. F.) were then considered, entitled

No. 3. "A resolution to appoint commissioners to draft a code of laws,"

No. 9. "A bill to provide for laying out a Territorial road from Janesville to the White Oak Springs."

No. 11. "A bill to incorporate the Beloit manufacturing company."

No. 12. "A bill to provide for laying out and establishing a Territorial road from Mineral Point to Sinipee," and

No. 13. "A bill to incorporate Rock county, and for other purposes relating to the same."

On motion of Mr. Billings,

The House resolved itself into the committee of the whole, on the said bills, Mr. Billings in the chair.

After some time the committee rose and by its chairman reported resolution No. 3 and bill No. 9, without amendment, and asked leave to sit again on Monday next, on bills Nos. 11, 12, and 13.

The report of the committee was agreed to, and leave was granted.

Mr. Sholes moved to adjourn; which was disagreed to.

Mr. Blackstone moved to adjourn till 3 o'clock P. M.; which was decided in the affirmative.

So the House adjourned until 3 o'clock P. M.

3 O'CLOCK P. M.

The Speaker submitted communications from the Secretary of the Territory to the House, which were read and laid on the table.

Mr. Billings, agreeably to previous notice, introduced bill No. 22, entitled "A bill to provide for laying out and establishing a Territorial road from Mineral Point, via Diamond Grove, to English Prairie, on the Wisconsin river."

Which was read the first and second time by its title.

Mr. Blackstone, from the select committee to whom was referred bill No. 1, (H. of R. file,) entitled "A bill to incorporate the State Bank of Wisconsin," reported it back to the House with amendments.

Which was read the second time by its title.

On motion of Mr. Carver,

The House resolved itself into the committee of the whole for the consideration of said bill, Mr. Shew in the chair.

After some some time the committee rose, and by their chairman reported the progress made therein, and asked leave to sit again on Monday next.

Leave was granted.

On motion of Mr. Dewey,

The House adjourned until Monday next, at 10 o'clock A. M.

MONDAY, FEBRUARY 4, 1839.

Mr. Story, agreeably to previous notice, introduced bill No. 23, entitled "A bill to incorporate the Milwaukee Manufacturing and Hydraulic company."

Which was, on motion, read the first and second time by its title.

Resolution No. 3, (H. of R. file,) entitled "Resolution to appoint commissioners to draft a code of laws," was considered.

Mr. Shackelford moved the indefinite postponement of said resolution, and

The yeas and noes being called for, were as follows:

Ayes.—Messrs. Beardsley, McGregor, Newman, Sholes, Shackelford, Story, Stevens, Sutherland, Whiton, and Barber, speaker.—10.

Noes.—Messrs. Blackstone, Billings, Baldwin, Bracken, Brunson, Childs, Conroe, Churchill, Cruson, Carver, Dewey, Jenkins, Shew, Skinner, and Street.—14.

The resolution was then ordered to be engrossed for a third reading.

Bill No. 9, (H. of R. file,) entitled "A bill to provide for laying out a Territorial road from Janesville to the White Oak

Springs," was ordered to be engrossed and read the third time.

Mr. Childs, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 17. "A bill concerning divorce."

No. 18. "A bill regulating marriages."

The said bills were then read the third time, passed, and the titles thereof agreed to.

Ordered, That the Council be requested to concur therein.

The Secretary of the Council being introduced, delivered the following message;

"Mr. Speaker:—The Council have passed bills of the following titles, viz;

"No. 12. A bill concerning the tenure of real property, the persons capable of holding and conveying, and the manner of transmitting the title thereto.

"No. 20. A bill concerning the time of commencing actions.

"And have concurred in bills of this House as follows;

"No. 6. "A bill regulating weights and measures.

"No. 10. A bill to provide for the punishment of offences against private property."—the latter with amendments; in which bill and amendments the Council have directed me to ask the concurrence of this House."

And then he withdrew.

The message from the Council returning bill No. 10, of this House, with amendments, entitled "A bill to provide for the punishment of offences against private property," was considered, and the amendments concurred in.

Ordered, That the Council be informed thereof.

On motion of Mr. Whiton,

The undermentioned bills from the Council were read the first and second time, viz:

No. 12. "A bill concerning the tenure of real property, the persons capable of holding and conveying, and the manner of transmitting the title thereto."

No. 20. "A bill concerning the time of commencing actions."

On motion of Mr. Street,

The House resolved itself into the committee of the whole for the consideration of bill No. 1, (H. R. file,) entitled "A bill to incorporate the State Bank of Wisconsin," Mr. Brunson in the chair.

After some time the committee rose, and by their chairman reported the bill to the House with amendments.

The report of the committee was agreed to.

Mr. Whiton offered the following amendment as section No. 33.

"That in case the Legislative Assembly of this Territory, or the Legislative authority which may hereafter exist in a State, to be erected in this Territory, shall deem it expedient for the better regulating said bank, to require it to be subject to a general safety fund system similar to the one now in use in the State of New York, it shall have full power to do so."

Mr. Brunson called for the previous question, and pending the question thereon,

On motion of Mr. McGregor,

The House adjourned until 3 o'clock P. M.

3 O'CLOCK P. M.

The House resumed the consideration of bill No. 1.

Mr. McGregor moved the following amendment:

In section 7, line 20, strike out "seven" and insert "ten," and

The ayes and noes being called for, were as follows:

Ayes.—Messrs. Blackstone, Billings, Baldwin, Carver, Jenkins, McGregor, Story, Sutherland, Street, and Barber, speaker.—10.

Noes.—Messrs. Bracken, Brunson, Childs, Churchill, Cruson, Dewey, Sholes, Shackelford, Shew, Skinner, and Whiton, —11.

Mr. Story moved to strike out "seven" and insert "eight."

The question was first put on striking out; and the ayes and noes were called for, and were as follows:

Ayes.—Messrs. Blackstone, Beardsley, Billings, Baldwin, Cruson, Carver, Jenkins, McGregor, Skinner, Story, Sutherland, Street, and Barber, speaker.—13.

Noes.—Messrs. Bracken, Brunson, Childs, Churchill, Dewey, Newman, Sholes, Shackelford, Shew, and Whiton—10.

Mr. Carver moved to amend the motion by inserting "nine," which was accepted by Mr. Story.

The ayes and noes being called for, were as follows:

Ayes.—Messrs. Blackstone, Billings, Baldwin, Cruson, Carver, Jenkins, McGregor, Story. Sutherland, Street, and Barber, speaker.—11.

Noes.—Messrs. Beardsley, Bracken, Brunson, Childs, Churchhill, Dewey, Newman, Sholes, Shackelford, Shew, Skinner, and Whiton.—12.

So the motion to fill the blank with "nine" was disagreed to.

The question then recurred on filling the blank with "eight" and the ayes and noes were called for, and were as follows:

Ayes.—Messrs. Blackstone, Beardsley, Billings, Baldwin, Cruson, Carver, Jenkins, McGregor, Shew, Skinner, Story, Sutherland, Street, and Barber, speaker.—14.

Noes.—Messrs. Bracken, Brunson, Childs, Churchill, Dewey, Newman, Sholes, Shackelford, and Whiton.—9.

Mr. Whiton offered the following amendment:

"Sec. 33. That the Legislative Assembly of this Territory, or the Legislative authority which may hereafter exist in a State to be erected in this Territory, shall deem it expedient for the better regulating said bank, to require it to be subject to a general safety fund system, similar to the one now in use in the State of New York, it shall have full powers to do so."

Which was agreed to.

Mr. Shackelford offered the following amendment:

"Sec. 34. That the stock and real estate of any individual member of said corporation pledged to and invested in the corporate funds of said corporation, shall be liable to be taken in execution and sold in the same manner as is, or shall, by law be provided for the sale and transfer of personal and real estate taken in execution."

Mr. Street moved the previous question, and the ayes and noes being called for, were as follows:

Ayes.—Messrs. Blackstone, Billings, Baldwin, Brunson, Churchill, Cruson, Carver, Dewey, Jenkins, McGregor, Shew, Skinner, Story, Sutherland, Street and Barber, speaker.—16.

Noes.—Messrs. Beardsley, Bracken, Childs, Newman, Sholes, Shackelford, Stevens, and Whiton.—8.

So the main question was ordered, and was put in these words: "Shall the bill be engrossed and read the third time?" and on this question the ayes and noes were called for, and were as follows:

Ayes.—Messrs. Blackstone, Beardsley, Billings, Baldwin, Brunson, Churchill, Cruson, Carver, Dewey, Jenkins, McGregor, Newman, Shew, Skinner, Story, Sutherland, Street, Whiton, and Barber, speaker.—19.

Noes.—Messrs. Bracken, Childs, Sholes, Shackelford, and Stevens.—5.

Mr. Childs, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 8. "A bill to amend an act entitled an act to organize the counties of Manitouwoc and Sheboyagan."

No. 4. "Resolution to appoint a committee to investigate the affairs of the building of the Capitol at Madison."

Mr. Street from the committee on enrolled bills, reporte

"An act concerning the time when acts shall take effect," to be correctly enrolled.

The said acts were signed by the Speaker, and ordered to be presented to the President of the Council for his signature.

The following accounts were, by leave, presented and referred to wit:.

By Mr. Childs, the account of Wm. B. Slaughter.

By Mr. Sholes, the account of E. Childs.

Referred to the committee on claims, with instructions to report on Saturday next by bill or otherwise.

The Secretary of the Council being introduced, delivered the following message:

"Mr. Speaker:—The Council have concurred in resolution No. 2, of this House, "Resolution to appoint a Fiscal Agent," with amendments; in which the concurrence of this House is requested.

They have also concurred in the amendment made by this House to bill No. 8, (C. F.) entitled "A bill establishing courts of Probate, defining their jurisdiction and powers, and directing the settlement of estates therein."

And then he withdrew.

On motion of Mr. Whiton,

The House resolved itself into the committee of the whole for the consideration of bill No. 13, (H. R. F.) "A bill to incorporate Rock county, and for other purposes relating to the same," Mr. Billings in the chair.

After some time the committee rose and by their chairman reported the bill with amendments.

The report of the committee was agreed to, and the bill ordered to be engrossed for a third reading.

Mr. Street moved that the communication submitted by the Secretary of the Territory on Saturday last, be referred to a select committee of three.

Which was agreed to.

Messrs. Street, Whiton, and Sutherland, were appointed said committee.

The following bill and resolution was read the third time, passed, and the titles thereof agreed to, viz:

Resolution No 4. "Resolution to appoint a committee to investigate the affairs of the building of the capitol at Madison."

No. 8. "A bill to amend an act entitled an act to organize the counties of Manitouwoc and Sheboygan."

Ordered, That the Council be requested to concur therein.

Message from the Council, returning resolutions

No. 2. "Resolution appointing a Fiscal Agent," with amendments thereto, was considered and the amendments were concurred in.

Ordered, That the Council be informed thereof.

Bill No. 22, entitled "A bill to provide for laying out and establishing a Territorial road from Mineral Point, via Diamond Grove, to English Prairie, on the Wisconsin river," was read by special order of the House, all rules being suspended for that purpose, and on the question "shall the bill pass?"

The ayes and noes were called for, and were as follows:

Ayes.—Messrs. Blackstone, Beardsley, Billings, Baldwin, Childs, Conroe, Churchill, Cruson, Jenkins, Shackelford, Skinner, Story, Stevens, and Sutherland.—14.

Nays.—Messrs. Brunson, Carver, Dewey, McGregor, Newman, Shew, Street, Whiton, and Barber, speaker.—9.

So the bill passed and the title was agreed to.

Ordered, That the Council be requested to concur therein.

On motion of Mr. Childs,

The House resolved itself into the committee of the whole on the following bills, Mr. Dewey in the chair, viz:

No. 11. "A bill to incorporate the Beloit Manufacturing Company," and

No. 12. "A bill to provide for laying out and establishing a Territorial road from Mineral Point to Sinipee."

After some time the committee rose and by its chairman reported the bills to the House, No. 11 with, and No. 12 without amendment.

The report of the committee was agreed to, and the said bills were severally ordered to be engrossed and read the third time.

Mr. Sholes, from the joint committee on enrolled bills, reported the following to be correctly enrolled, viz:

"An act to legalize the acts of certain officers."

"An act relating to supreme court commissioners."

"An act to repeal certain acts therein named."

The said several acts were presented to, signed by the Speaker, and

Ordered to be presented to the President of the Council for his signature.

On motion of Mr. Carver,

The House adjourned.

TUESDAY, FEBRUARY 5, 1839.

Mr. Story presented the petition of inhabitants of Milwaukee county, praying for the construction of a road from Orendorff's ferry to Madison.

Referred to the committee on roads.

Also the petition of inhabitants of the Territory, praying for a Territorial road from Geneva, on Geneva Lake, to Fon du Lac.

Referred to the same select committee to which a previous petition was referred on the same subject.

On motion of Mr. Sholes,

The following bills from the Council were considered in the committee of the whole, Mr. Carver in the chair, viz:

No. 13. "A bill concerning set-offs."

No. 14. "A bill concerning amendments," and

No. 15. "A bill concerning the construction of statutes."

After some time the committee rose, and by its chairman reported the said several bills without amendment.

The report of the committee was agreed to; and the bills were severally ordered to be engrossed for the third reading.

Mr. Childs, from the committee on engrossed bills, reported the following to be correctly engrossed, viz: From the Council.

No. 13. "A bill concerning set offs."

No. 14. "A bill concerning amendments."

No. 15. "A bill concerning the construction of statutes," and of the House,

No. 9. "A bill to provide for laying out a Territorial road from Janesville to the White Oak Springs," and

No. 3. "Resolution to appoint commissioners to draft a code of laws."

Mr. Sholes gave notice, that on to-morrow he should move to change the eighteenth standing rule of the House, so that bills from the Council shall not be ordered to be engrossed.

On motion of Mr. Whiton,

The House resolved itself into the committee of the whole, Mr. Bracken in the chair, for the consideration of the following bills, (C. F.) viz:

No. 16. "A bill concerning supreme court commissioners."

No. 19. "A bill concerning the writ of attachment."

No. 21. "A bill concerning the admission of attorneys at law."

After some time the committee rose, and by their chairman reported No. 16 without amendment, and asked leave to sit again on bills numbered 19 and 21.

The report of the committee was agreed to, and leave was granted.

Bill No. 16 was ordered to be engrossed for a third reading.

On motion of Mr. Sholes,

The committee on claims was discharged from the further consideration of the communication of James Clarke, which was referred back to the House,

Leave was then granted to Mr. Sholes to withdraw the said communication of Mr. Clarke.

Mr. Jenkins gave notice that he should on some future day, ask leave to introduce a bill to amend an act entitled an act to incorporate the Dodgeville mining company.

On motion of Mr. Shew,

The House adjourned until 3 o'clock P. M.

3 O'CLOCK P. M.

Mr. Sholes presented the account of John Catlin, which was referred to the committee on claims.

Mr. Childs, from the committee on engrossed bills, reported Bill No. 16. entitled "A bill concerning the construction of statutes," to be correctly engrossed.

Mr. Sholes, from the committee on enrolled bills, reported "An act to provide for the collection of demands against boats and vessels," to be correctly enrolled:

The said act was signed by the Speaker and ordered to be presented to the President of the Council for his signature.

The Secretary of the Council being introduced, delivered the following message:

"Mr. Speaker:—The Council have passed bills of the following titles, in which bills the concurrence of this House is requested, viz:

"No. 30. A bill concerning oaths.

"No. 31. A bill concerning arbitrations,

"No. 32. A bill concerning grand and petit jurors.

"The Governor has notified the Council, that he did, on the 2d inst., examine and approve 'An act to legalize certain acts of the county commissioners of Racine county, and for other purposes,' also, that he did on this day examine and approve

"A bill concerning the time when acts shall take effect."

And then he withdrew:

Bills and resolutions were then announced for the third reading.

No. 3, (H. R. F.) entitled "Resolution to appoint commissioners to draft a code of laws," was read the third time, and on the question "shall this resolution pass," the ayes and noes were called for and were as follows:

Ayes.—Messrs. Billings, Baldwin, Bracken, Brunson, Childs, Cruson, Carver, Dewey, Jenkins, Shew, and Street.—11.

Noes.—Messrs. Blackstone, Beardsley, Conroe, Churchill, McGregor, Newman, Sholes, Shackelford, Skinner, Story, Sutherland, Whiton, and Barber, speaker.—13.

So the resolution was negatived.

No. 9, (H. R. F.) entitled "A bill to provide for laying out a Territorial road from Janesville to the White Oak Springs," was read the third time, and on the question "shall the bill pass," the ayes and noes being called for were as follows:

Ayes.—Messrs. Blackstone, Beardsley, Billings, Baldwin, Bracken, Childs, Conroe, Churchill, Cruson, Carver, Jenkins, Sholes, Shackelford, Skinner, Story, Sutherland, Whiton, and Barber, speaker.—18.

Noes.—Messrs. Brunson, Dewey, McGregor, Newman, Shew, and Street.—6.

So the bill passed, and the title was agreed to.

Ordered, That the Council be requested to concur therein.

The undermentioned bills, from the Council, were severally read the third time, passed, and the titles thereof agreed to, viz:

No. 13. "A bill concerning set-offs."

No. 14. "A bill concerning amendments.'

No. 15. "A bill concerning the construction of statutes."

No. 16. "A bill concerning supreme court commissioners."

Ordered, That the Council be informed thereof.

On motion of Mr. Churchill,

The House resolved itself into the committee of the whole, Mr. Street in the chair, for the consideration of the following bills, viz:

No. 19. "A bill to provide for laying out and establishing a

Territorial road from Illinois State line to Prairie Village."

No. 20. "A bill to locate and establish a Territorial road from the foot of Geneva lake, via Snail lake, to Fon du Lac."

After some time the committee rose and by their chairman reported bill No. 19 with; and No. 20 without amendment.

The report of the committee was agreed to, and said bills were ordered to be engrossed for a third reading.

Mr. Childs, from the committee on engrossed bills, reported

No. 12. "A bill to provide for laying out and establishing a Territorial road from Mineral Point to Sinipee," to be correctly engrossed.

On motion of Mr. Sholes,

The following bills, from the Council, were read the first and second time by their titles, viz:

No. 30. "A bill concerning oaths."

No. 31. "A bill concerning arbitrations, and

No. 32. "A bill concerning grand and petit jurors."

On motion of Mr. Street,

The House considered bills No. 30 and 32 aforesaid, in the committee of the whole, Mr. Shackelford in the chair.

After some time the committee rose, and by their chairman reported the progress made therein, and asked leave to sit again on to-morrow.

Leave was granted.

On motion of Mr. Churchill,

The House adjourned.

WEDNESDAY, FEBRUARY 6, 1839.

Mr. Sutherland, from the select committee to whom was referred the petition of the inhabitants of the county of Dane, reported bill No. 24, entitled "A bill to provide for the organization of the county of Dane."

Which, on motion, was read the first and second time by its title.

On motion of Mr. Brunson,

The rule requiring bills to be printed on being read the second time, was suspended with reference to the said bill.

Mr. Baldwin, from the committee on expenses, to whom was referred the account of William B. Long, reported the same back to the House, and moved that it be referred to the committee on claims.

So referred.

Mr. Childs, from the committee on engrossed bills, reported bill No. 13 to be correctly engrossed, entitled

"A bill to incorporate Rock county, and for other purposes relating to the same."

On motion of Mr. Dewey,

Resolved, That no bills of a local or private character reported to this House, shall be printed unless specially ordered.

On motion of Mr. Sholes,

The following amendment was made to the 18th standing rule:

After the word "reading" in the fourth line, insert "except bills and resolutions from the Council."

Mr. Whiton, from the committee appointed to revise the laws, reported the following bills, which, on motion, were read the first and second time, viz:

No. 25. "A bill to create a fund for the benefit of the creditors of certain moneyed corporations, and for other purposes."

No. 26. "A bill to provide for the inspection of certain articles therein named."

On motion of Mr. Churchill,

The House adjourned.

THURSDAY, FEBRUARY 7, 1839.

Mr. Street, from the committee on enrolled bills, reported a resolution entitled

"Resolution authorizing the Secretary of the Territory to borrow money," to be correctly enrolled.

The said resolution was then signed by the Speaker, and ordered to be presented to the President of the Council for his signature.

Mr. Childs, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 1. "A bill to incorporate the State Bank of Wisconsin."

No. 11. "A bill to provide for laying out and establishing a Territorial road from Mineral Point to Sinipee."

The undermentioned bills were reported by the committee appointed to revise the laws, and were read the first and second time by their titles, viz:

No. 27. "A bill for the support and maintainance of illegitimate children."

No 28. "A bill concerning apprentices and servants."

No. 29. "A bill to prevent forcible entries and detainers."

No. 30. "A bill to provide for the punishment of offences against the public peace."

No. 31. "A bill to establish the rate of toll for grinding," and

No. 32. "A bill regulating the management of prisons."

The Speaker laid before the House a communication from the Governor, informing the House that he had, on yesterday, approved the following, to wit:

"An act concerning the rights of persons who are accused of crimes and offences," and

"An act to regulate indictments and proceedings in criminal cases before trial."

Engrossed bills were then announced for the third reading.

No. 11, entitled "A bill to incorporate the Beloit manufacturing company," was read the third time, and on motion of Mr. Whiton, was laid on the table for the present.

No. 12. "A bill to provide for laying out and establishing a Territorial road from Mineral Point to Sinipee," was read the third time, and on the question "shall this bill pass?" the ayes and noes were called for and were as follows:

Ayes.—Messrs. Blackstone, Beardsley, Baldwin, Bracken, Conroe, Churchill, Cruson, Carver, Hoyt, Jenkins, Sholes, Shackelford, Skinner, Story, Stevens, Sutherland, Whiton, and Barber, speaker.—18.

Noes.—Messrs. Brunson, Dewey, McGregor, Newman, Shew, and Street—6.

So the bill passed, and the title was agreed to.

Ordered, That the Council be requested to concur in the said bills.

The Secretary of the Council being introduced, delivered the following message:

Mr. Speaker:—The Council have passed bills as follows, in which they request the concurrence of this House, viz:

No. 5. "A bill to secure religious societies within this Territory in the possession of their churches and other property.

"No. 28. A bill concerning sheriffs.

"And have concurred in bills and a resolution of this House, with amendments to each, viz:

"No. 17. A bill concerning divorce."

"No. 18. A bill regulating marriages."

"No. 4. Resolution to appoint a committee to investigate the affairs of the building of the Capitol at Madison."

In which amendments the concurrence of this House is requested.

"The Governor has notified the Council that he did, on yesterday, examine and approve the following:

"An act relating to supreme court commissioners."

"An act to repeal certain acts therein named," and

"An act to legalize the acts of certain officers."

And then he withdrew.

Bill No. 1, entitled "A bill to incorporate the State Bank of Wisconsin," was read the third time, when

Mr. Shackelford moved the indefinite postponement of the bill, and the ayes and noes were called for.

Mr. Childs then moved that the House adjourn until 3 o'clock P. M.

Which was disagreed to.

A division being called for, there were ayes 9, noes 13.

Mr. Brunson called for the previous question.

Mr. Sholes moved a call of the House, which was not ordered.

Mr. Conroe moved to adjourn until half past 2 o'clock P. M.;

Which motion prevailed.

So the House adjourned until half past 2 o'clock P. M.

HALF PAST 2 O'CLOCK P. M.

The House resumed the consideration of bill No. 1.

Mr. Childs renewed the motion for the indefinite postponement of the bill, and

Mr. Brunson renewed the call for the previous question.

The previous question was propounded in these words, "shall the main question be now put?" and the ayes and noes being called for, were as follows:

Ayes.—Messrs. Blackstone, Beardsley, Billings, Baldwin, Brunson, Churchill, Cruson, Carver, Hoyt, Newman, Shew, Skinner, Story, Sutherland, Street.—15.

Noes.—Messrs. Bracken, Childs, Conroe, Dewey, McGregor, Sholes, Shackelford, Stevens, and Barber, speaker.—9.

The main question was then put in these words, "shall the bill pass?" and the ayes and noes being called, were as follows:

Ayes.—Messrs. Blackstone, Beardsley, Billings, Baldwin, Brunson, Churchill, Cruson, Carver, Dewey, Hoyt, McGregor, Newman, Shew, Skinner, Story, Sutherland, Street and Barber, speaker.—18.

Noes.—Messrs. Bracken, Childs, Conroe, Sholes, Shackelford, and Stevens.—6.

Ordered, That the clerk request the Council to concur in the said bill.

The Speaker laid before the House a message from the Executive informing the House that he had on to-day examined and approved

"An act to provide for the collection of demands against boats and vessels."

The following message was received from the Council by the Secretary thereof.

"Mr. Speaker:—The Council have passed bills as follows, in which they request the concurrence of this House, viz:

"No. 18. A bill to incorporate the Milwaukee Lyceum.

"No. 23. A bill for the relief of the county officers of Brown county."

And then he withdrew.

The undermentioned bills and resolution returned from the Council with amendments, were then considered, and the amendments were concurred in, viz:

"No. 4. Resolution to appoint a committee to investigate the affairs of the building of the Capitol at Madison."

"No. 17. A bill concerning divorce." and

"No. 18. A bill regulating marriages."

Ordered, That the Council be informed thereof.

Mr. Shew presented three several accounts of E. Childs.

Which were referred to the committee on claims.

On motion of Mr. Dewey,

The House resolved itself into the committee of the whole, Mr. Stevens in the chair, for the consideration of the following bills from the Council, viz:

No. 21. "A bill concerning the admission of attorneys at law." and

No. 19. "A bill concerning the writ of attachment."

After some time the committee rose and by its chairman reported the said bills with amendments.

The amendments were agreed to, and the bills severally ordered to a third reading.

The said bills were then severally read the third time, passed, and the titles thereof agreed to.

Ordered, That the Council be acquainted therewith.

On motion of Mr. Whiton,

Bill No. 11, entitled "A bill to incorporate the Beloit Manufacturing Company," was referred to a select committee.

The Speaker appointed Messrs. Whiton, Billings, and Baldwin the said committee.

On motion of Mr. Billings,

Bills from the Council entitled, "No. 30, A bill concerning oaths," and "No. 32, A bill concerning grand and petit jurors," were considered in the committee of the whole, Mr. Hoyt in the chair, and were reported to the House with amendments, when

On motion of Mr. Brunson,

The House adjourned.

FRIDAY, FEBRUARY 8, 1839.

Mr. Beardsley presented the petition of Paul Kingston, praying for relief against an act passed at the present session of the Legislative Assembly.

Referred to the following select committee, viz:

Messrs. Beardsley, Sholes, and Dewey.

Mr. Street gave notice that on some future day, he should by leave introduce a bill to amend an act entitled "An act to provide for laying out and opening Territorial roads, approved January 3d, 1838."

Mr. Childs gave notice that on some future day, he should by leave introduce "A bill to regulate fisheries and for other purposes."

Mr. Blackstone gave notice that on a future day, he should ask leave to introduce "A bill to incorporate a Mining Company at the New Diggings."

Mr. Conroe from the committee on roads, to which several petitions had been referred reported bills of the following titles, which were read the first and second time, viz:

No. 33. "A bill to provide for laying out a Territorial road from Geneva, via Rochester, to Milwaukee," and

No. 34. "A bill to provide for laying out a Territorial road from Rochester to Madison."

Mr. Sholes, from the committee on enrolled bills, reported the following to be correctly enrolled, which were signed by the Speaker, and ordered to be presented to the President of the Council for his signature, viz:

"An act to regulate weights and measures,

"A bill establishing courts of Probate, defining their jurisdiction and powers, and directing the settlement of estates therein."

"An act concerning the construction of statutes."

"An act concerning amendments," and

"An act concerning set-offs."

Mr. Childs, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 19. "A bill to provide for laying out and establishing a Territorial road from Illinois State line to Prairie Village."

No. 20. "A bill to locate and establish a Territorial road from the foot of Geneva lake, via Snail lake, to Fon du Lac."

Mr. Whiton, from the committee to whom was committed bill No. 11, entitled "A bill to incorporate the Beloit Manufacturing Company," reported the said bill to the House with amendments.

Which was read the second time.

Engrossed bills were announced for the third reading.

No. 19, entitled "A bill to provide for laying out and establishing a Territorial road from Illinois State line to Prairie Village," was read the third time, and the ayes and noes being called, on the passage of the bill were as follows:-

Ayes.—Messrs. Blackstone, Beardsley, Billings, Baldwin, Bracken, Childs, Conroe, Churchill, Cruson, Carver, Hoyt, Jenkins, Sholes, Shackelford, Skinner, Story, Sutherland, Whiton, and Barber, speaker.—19.

Noes.—Messrs. Brunson, Dewey, McGregor, Newman, Shew, Stevens, and Street.—7.

The title of the bill was then agreed to.

Bill No. 20, entitled "A bill to locate and establish a Territorial road from the foot of Geneva Lake, via Snail Lake, to Fon du Lac," was read the third time, and the ayes and noes being called on the passage of the bill, were as follows:

Ayes.—Messrs. Blackstone, Beardsley, Billings, Baldwin, Bracken, Childs, Conroe, Churchill, Cruson, Carver, Hoyt, Jenkins, Sholes, Shackelford, Skinner, Story. Sutherland, Whiton, and Barber, speaker.—19.

Noes.—Messrs. Brunson, Dewey, McGregor, Newman, Shew, Stevens, and Street, —7.

The title of the bill was then agreed to, and the said bills were ordered to be sent to the Council for concurrence.

On motion of Mr. Sutherland,

Bill No. 24, entitled "A bill to incorporate the county of Dane," was considered in the committee of the whole, Mr. Newman in the chair.

After some time the committee rose, and by their chairman reported the progress made in the bill, and asked leave to sit again.

Leave was granted.

On motion of Mr. Whiton,

The following bills were considered in the committee of the whole, Mr. Blackstone in the chair, viz:

No. 11. "A bill to incorporate the Beloit Manufacturing Company,"

No. 33. A bill to provide for laying out a Territorial road from Geneva, via Rochester, to Milwaukee, and

No. 34. A bill to provide for laying out a Territorial road from Rochester to Madison.

Bills Nos. 11 and 34 were reported with amendments, and No. 33 without amendment.

Mr. Street offered the following amendment to bill No. 11; In section 2, strike out the word "two" and insert the word "one."

Which was disagreed to.

Mr. McGregor moved the following amendment:

Insert in the first section after the word "corporate," the following words: "for a term not longer than fifty years."

The ayes and noes being called on ordering the previous question, were as follows:

Ayes.—Messrs. Blackstone, Beardsley, Billings, Baldwin, Brunson, Churchill, Carver, Hoyt, Newman, Skinner, Story, Sutherland, and Whiton.—13.

Noes,—Messrs. Bracken, Childs, Conroe, Cruson, Dewey, Jenkins, McGregor, Sholes, Shackelford, Shew, Stevens, Street, and Barber, speaker.—13.

So the main question was not ordered.

The question was then taken on agreeing to the amendment, and the ayes and noes were as follows:

Ayes.—Messrs. Bracken, Brunson, Childs, Conroe, Dewey, Jenkins, McGregor, Shackelford, Shew, Skinner, Story, Sutherland, and Street.—13.

Noes.—Messrs. Blackstone, Beardsley, Billings, Baldwin, Churchill, Cruson, Carver, Hoyt, Newman, Sholes, Stevens, Whiton, and Barber, speaker.—13.

So the amendment was lost.

The bill was then ordered to be engrossed.

Mr. Brunson offered the following amendment to bill No. 33:

Add section 3. No part of the expense of laying out said road shall be paid by the counties through which the same may pass, unless approved of by the county commissioners.

The amendment was adopted, and the bill ordered to be engrossed for the third reading.

Bill No. 34 was then ordered to be engrossed and read the third time.

Mr. Jenkins, by leave, introduced bill No. 33, entitled "A bill to amend an act entitled "An act to incorporate the Dodgeville Mining Company."

Which was read the first and second time.

The House then proceeded to the unfinished business of yesterday, being bills No. 30. "A bill concerning costs;" and No. 32. "A bill concerning grand and petit jurors," reported by the committee of the whole with amendments.

The amendments made to bill No. 30, by the committee were disagreed to; when

The House adjourned until 3 o'clock P. M.

3 O'CLOCK P. M.

Mr. Sholes, from the committee on enrolled bills, reported "an act regulating marriages" to be correctly enrolled.

Which was signed by the Speaker, and ordered to be presented to the President of the Council for his signature.

On motion of Mr. Sholes,

The undermentioned bills from the Council were severally read the first and second time, viz:

No. 5. "A bill to secure religious societies within this Territory in the possession of their churches and other property."

No. 18. "A bill to incorporate the Milwaukee Lyceum."

No. 23. "A bill for the relief of the county officers of Brown county."

No. 28. "A bill concerning sheriffs."

On motion of Mr. Billings,

The House proceeded to consider the unfinished business of the forenoon, being bills

No. 30. "A bill concerning oaths," and

No. 32. "A bill concerning grand and petit jurors."

Bill No. 30, was amended on motion of Mr. Shew, by striking out in the 7th section, 3d line, all after the word "capacity," to the word "nor," in 4th line, and inserting in lieu thereof the words following:

"And whether he understands the nature of an oath."

Mr. Cruson moved a further amendment, viz:

Strike out in the 6th section, 4th line, all from the word "case."

And the ayes and noes being called for, were as follows:

Ayes,—Messrs. Beardsley, Baldwin, Cruson, Jenkins, McGregor, Newman, and Shew.—7.

Noes.—Messrs. Billings, Brunson, Conroe, Dewey, Hoyt, Sholes, Story, Stevens, Sutherland, Street, Whiton, and Barber.—12.

The bill was then ordered to a third reading, and was read the third time, passed, and the title agreed to.

The amendments made by the committee to bill No. 32, were agreed to, and the bill ordered to a third reading; which was then read the third time and the title agreed to.

Ordered, That the Council be requested to concur in the amendments to said bills.

On motion of Mr. Billings,

The House considered the following bills in the committee of the whole, Mr. Baldwin in the chair, viz:

No. 20. "A bill concerning the time of commencing actions.

No. 31. "A bill concerning arbitrations."

After some time the committee reported the said bills to the House without amendment.

The said bills were then ordered to a third reading, and were severally read the third time, passed, and the titles thereof agreed to.

Ordered, That the Council be acquainted therewith.

The Speaker submitted a communication from the Executive informing the House that he had on to-day examined and approved a "Resolution authorizing the Secretary of the Territory to borrow money."

On motion of Mr. Whiton,

The rule requiring the printed copies of bills of a general nature to be on the desks of members two days before they should be considered, was suspended in reference to bill No. 32, entitled "A bill regulating the management of prisons."

The said bill was then considered in the committee of the whole, Mr. Sholes in the chair, and was reported to the House with an amendment.

The report of the committee was agreed to, and the bill ordered to be engrossed and read a third time.

The House adjourned.

SATURDAY, FEBRUARY 9, 1839.

Petitions were presented and referred as follows:

By Mr. Story: the petition of inhabitants of Milwaukee on the west side of Milwaukee river, relating to schools.

Referred to the committee on schools.

By Mr. Hoyt: the petition of inhabitants of Racine county, praying that the law relating to the town and county organization may be revised and altered, and for the passage of a law regulating fences and free commoners.

Referred to Messrs. Hoyt, Childs and Shew.

The petition of Adeline Keats, praying for divorce.

Referred to the following select committee, with instructions to report by bill or otherwise, viz:

Messrs. Beardsley, Whiton, and Churchill.

Mr. Street, by leave, introduced resolution No. 6, entitled "Resolution to terminate the present session of the Legislative Assembly."

Which was read the first time.

Mr. Churchill moved to lay the resolution on the table, and the ayes and noes being called for, were as follows:

Ayes.—Messrs. Beardsley, Billings, Childs, Churchill, Carver, Dewey, Jenkins, Sholes, Shew, Skinner, Story, and Whiton.—12.

Noes.—Messrs. Blackstone, Baldwin, Bracken, Brunson, Conroe, Cruson, Hoyt, McGregor, Newman, Shackelford, Stevens, Sutherland, Street, and Barber, speaker.—14.

The resolution was then read the second time.

On motion of Mr. Street,

Resolved, That the Sergeant-at-Arms be instructed to call on J. A. Noonan, and ascertain the cause of the delay in printing the reports of the committees appointed to investigate the affairs of the banks of the Territory.

The Speaker announced the appointment of the following committee on the part of the House of Representatives, under the joint resolution of the two Houses relating to the affairs of the building of the capitol, viz:

Messrs. Blackstone, Conroe, and Street.

Ordered, That the Council be acquainted therewith.

Mr. Childs, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 11. "A bill to incorporate the Beloit Manufacturing Company."

No. 33. "A bill to provide for laying out a Territorial road from Geneva, via Rochester, to Milwaukee," and

No. 34. "A bill to provide for laying out a Territorial road from Rochester to Madison."

Mr. Street, from the committee on enrolled bills, reported "An act concerning divorces" to be correctly enrolled.

Which was signed by the Speaker, and ordered to be presented to the President of the Council for his signature.

Mr. Churchill submitted the following report:

The committee on claims, to whom were referred sundry accounts, beg leave to report a bill to provide for the payment of those claims which they have examined and believe to be just and correct.

In relation to the account of Wm. B. Slaughter, which was referred to them, the committee would beg leave to state, that they deem it inexpedient at the present time to report an allowance of the claim, as most of the articles charged for, have not yet been received. Your committee would therefore ask further time for the consideration of the subject.

The report of the committee was accepted, and the bill read the first and second time, entitled

No. 36. "A bill to provide for the payment of certain expenses of the Legislative Assembly of the Territory."

Mr. Whiton, from the committee appointed to revise the laws, reported the following bills, which were read the first and second time, viz:

No. 37. "A bill respecting judgments in criminal cases and the execution thereof."

No. 38. "A bill to provide for the punishment of offences against the public health."

No. 39. "A bill to provide for the punishment of offences against public justice."

The undermentioned bills were announced for the third reading, and were severally read the third time, passed, and the titles agreed to, as follows:

No. 11. "A bill to incorporate the Beloit Manufacturing Company,"

No. 33. "A bill to provide for laying out a Territorial road from Geneva, via Rochester, to Milwaukee," and

No. 34. "A bill to provide for laying out a Territorial road from Rochester to Madison."

On the question of the passage of the latter bill, the ayes and noes were as follows:

Ayes.—Messrs. Blackstone, Beardsley, Baldwin, Bracken, Childs, Conroe, Churchill, Cruson, Carver, Hoyt, Shole's, Shackelford, Skinner, Story, Sutherland, Whiton, and Barber, speaker.—17.

Noes.—Messrs. Brunson, Dewey, McGregor, Newman, Shew, and Stevens.—6.

Ordered, That the Council be requested to concur in the said several bills.

The following message was received from the Council by the Secretary thereof.

Mr. Speaker:—The Council have passed a memorial bill and resolution as follows, in which the concurrence of this House, is requested, viz:

No. 1. "Memorial of the Legislative Assembly to the Secretary of War, asking a supply of arms for the Territory, and for the stationing of dragoons on this frontier."

No. 35. "A bill concerning the Attorney General and District Attorneys," and

No. 6. "A resolution approving views of the Governor in his late message."

"And have concurred in bill No. 13, of this House, entitled "A bill to incorporate Rock county, and for other purposes relating to the same," with amendments thereto.

"In which bill, memorial, and resolution the concurrence of this House is requested.

"The Council have concurred in the 1st, 2d, 3d, 4th, and 6th amendments of this House to bill No. 19, entitled "A bill concerning the writ of attachment," have amended the 5th amendment thereto, and have disagreed to the amendment made to bill No. 21, entitled "A bill concerning the admission of attorneys at law."

And then he withdrew.

On motion of Mr. Billings,

The House resolved itself into the committee of the whole, Mr. Shew in the chair, for the consideration of the following bills:

No. 25. "A bill to create a fund for the benefit of the creditors of certain moneyed corporations, and for other purposes."

No. 26. "A bill to provide for the inspection of certain articles therein named."

After some time the committee rose, and by their chairman reported the progress made therein, and asked leave to sit again on Monday next.

Leave was granted.

Mr. Sholes, from the committee on enrolled bills, reported "An act concerning supreme court commissioners," to be correctly enrolled.

The Speaker signed the said act, and ordered it to be presented to the President of the Council for signature.

Mr. Baldwin gave notice that on Monday next he should ask leave to bring in "A bill to incorporate the Mineral Point Copper and Lead Mining and Smelting Company."

On motion of Mr. Shew,

The House adjourned.

MONDAY, FEBRUARY 11, 1839.

The Speaker laid before the House a communication from J. A. Noonan, Esq., in answer to a resolution of the House, relating to the printing of the bank reports.

Read and laid on the table.

The House took up the message of the Council, received on Saturday last, and concurred in the amendments made to the following bills, viz:

No. 13. "A bill to incorporate Rock county, and for other purposes relating to the same."

No. 19. "A bill concerning the writ of attachment."

And receded from their amendment made to bill No. 21, entitled "A bill concerning the admission of Attorneys at Law."

Ordered, That the Council be acquainted therewith.

On motion of Mr. Baldwin,

Leave of absence was granted to Messrs. Blackstone and Sutherland, until Monday next.

On motion of Mr. Whiton,

The House went into the committee of the whole, on bill No. 12, entitled "A bill concerning the tenure of real property, the persons capable of holding and conveying, and the manner of transmitting the title thereto," Mr. Sholes in the chair.

After some time the committee rose and by thier chairman reported the progress made in the said bill, and asked leave to sit again on Wednesday next.

Leave was granted.

The following message was received from the Council by the Secretary thereof.

"Mr. Speaker:—The Council have passed bill No. 36, entitled "A bill concerning masters in chancery;" in which I am directed to request the concurrence of this House.

"Messrs. Prentiss, Wilson, and Maxwell, have been appointed the committee on the part of the Council to investigate the affairs of the building of the Capitol at this place."

And then he withdrew.

Mr. Sholes, from the committee on schools, to whom was referred the petition of inhabitants of Milwaukee, on the west side of Milwaukee river, reported bill No. 40, entitled "A bill to authorize the President and Trustees of the town of Milwaukee, on the west side of the river, to levy and collect a school tax."

Which was read the first and second time.

On motion of Mr. Story,

The undermentioned memorial, resolution, and bills were read the first and second time, viz:

No. 1. "Memorial of the Legislative Assembly to the Secretary of War, asking a supply of arms for the Territory, and for the stationing of dragoons on this frontier."

No. 6. "A resolution approving views of the Governor in his late message."

No. 4. "A bill to provide for aiding in the construction of the Milwaukee and Rock river Canal."

No. 35, "A bill concerning the Attorney General and District Attorneys," and

No. 36. "A bill concerning Masters in Chancery."

On motion of Mr. Story,

The House went into committee of the whole, Mr. Shackel- in the chair, on bills of thefollowing titles:

No. 21. "A bill to amend an act entitled an act to authorize the President and Trustees of Milwaukee, on the west side of Milwaukee river, to borrow money for the purpose therein mentioned," and

No. 23, (C. F.) "A bill for the relief of the county officers of Brown county."

After some time the committee rose and reported bill No. 21, without, and No. 23 with an amendment.

The report of the committee was agreed to, and bill No. 21 ordered to be engrossed for the third reading.

On the question of ordering bill No. 23 to a third reading, the ayes and noes were called for by Mr. Street, and were as follows:

Ayes.—Messrs. Beardsley, Billings, Baldwin, Bracken, Brunson, Childs, Conroe, Churchill, Carver, Hoyt, Jenkins, Newman, Sholes, Shackelford, Skinner, Story, Stevens, Whiton, and Barber, speaker.—19.

Noes.—Messrs. Cruson, McGregor, Shew, and Street.—4.

On motion of Mr. Bracken,

The House adjourned until 3 o'clock P. M.

3 O'CLOCK P. M.

Mr. Baldwin, agreeable to previous notice for leave, introduced bill No. 41, entitled "A bill to incorporate the Mineral Point Copper and Lead Smelting and Mining Company."

Which was read the first and second time.

On motion of Mr. Shew,

Bill No. 2, (C. F.) entitled "A bill to provide for aiding in the construction of the Milwaukee and Rock river Canal," was ordered to be printed.

On motion of Mr. Shew,

The House resolved itself into the committee of the whole, Mr. Cruson in the chair, for the consideration of the following bills, (H. R. F.) viz:

No. 25. "A bill to create a fund for the benefit of the creditors of certain moneyed corporations, and for other purposes."

No. 26. "A bill to provide for the inspection of certain articles therein named."

After some time the committee rose, and by their chairman, reported bill No. 25, without amendment, and asked leave to sit again on bill No. 26 on to-morrow.

The report of the committee was agreed to, and leave was granted.

On motion of Mr. Whiton,

Bill No. 25 was laid on the table for the present.

Mr. Childs, from the committee on engrossed bills, reported No. 32, (H. R. F.) entitled "A bill regulating the management of prisons," to be correctly engrossed.

Mr. Street, from the committee on enrolled bills, reported the following to be correctly enrolled, viz:

"An act to provide for the punishment of offences against private property," and

"An act to incorporate Rock county, and for other purposes relating to the same."

The Speaker signed the said acts, and ordered that they be presented to the President of the Council for his signature.

On motion of Mr. Billings,

Bill No. 24, (H. R. F.) entitled "A bill to provide for the organization of the county of Dane," was referred to Messrs. Shackelford, Brunson, and Sutherland.

Engrossed bill No. 32, entitled "A bill regulating the management of prisons," was read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be requested to concur therein.

On motion of Mr. Billings,

The House went into committee of the whole, Mr. Story in the chair, for the consideration of the following bills, (H. R. F.) to wit:

No. 35. "A bill to amend an act entitled an act to incorporate the Dodgeville Mining Company."

No. 36. "A bill to provide for the payment of certain expenses of the Legislative Assembly of the Territory."

After some time the committee rose, and by their chairman reported bill No. 35 without amendment, and asked leave to sit again on to-morrow on No. 36.

The report of the committee was agreed to, and leave granted.

Mr. Shackelford moved the indefinite postponement of bill No. 35, and the ayes and noes being taken, were as follows:

Ayes.—Messrs. Cruson, Carver, Dewey, McGregor, Newman, Shackelford, Shew, Story, Stevens, Street, and Whiton. —11.

Noes.—Messrs. Beardsley, Billings, Baldwin, Bracken, Brunson, Childs, Conroe, Churchill, Hoyt, Jenkins, Sholes, Skinner, and Barber, speaker.—13.

So the motion was disagreed to.

The question recurred on engrossing the bill for the third reading, and the ayes and noes being called, were as follows:

Ayes.—Messrs. Beardsley, Billings, Baldwin, Bracken, Brunson, Childs, Churchill, Hoyt, Jenkins, Sholes, Skinner, and Barber, speaker.—12.

Noes.—Messrs. Conroe, Cruson, Carver, Dewey, McGregor, Newman, Shackelford, Shew, Story, Stevens, Street, and Whiton.—12.

On motion of Mr. Conroe,

The vote on the last bill was reconsidered, and the bill laid on the table for the present.

On motion of Mr. Sholes,

The House went into the committee of the whole on memorial No. 1, entitled, "Memorial of the Legislative Assembly to the Secretary of War, asking a supply of arms for the Territory; and for the stationing dragoons on this frontier," and resolution No. 6, "A resolution approving views of the Governor in his late message," Mr. Billings in the chair.

After some time the committee reported the memorial and resolution without amendment.

The report of the committee was agreed to, and the memorial and resolution were severally ordered to a third reading.

They were severally read the third time, passed, and the titles agreed to.

Ordered, That the Council be acquainted therewith.

Mr. Beardsley gave notice that on some future day he should ask leave to bring in a bill to amend an act for the construction of a road from Racine to Madison.

On motion of Mr. Churchill,

The House adjourned.

TUESDAY, FEBRUARY 12, 1839.

Mr. Childs offered the following resolution, viz:

"Resolved, by the Council and House of Representatives, that a joint committee of three be appointed on the part of this House, and three on the part of the Council, to take into consideration what course it is best to take in relation to the report of the joint committee appointed at the last session to examine into the affairs of the Wisconsin Bank, and that said committee be instructed to report on Thursday next."

The question being taken on adopting the resolution, was decided in the negative.

Mr. Street offered the following resolution:

"Resolved, if the Council concur, that the joint resolution requiring sixty copies of all bills, joint resolutions, or memorials to be printed for the use of the House of Representatives and thirty for the use of the Council, be rescinded.

The resolution was disagreed to.

A division being called, there were ayes 7, noes 7.

Mr. Shackelford, from the committee appointed to revise the laws, reported the following bills, which were read the first and second time, viz:

No. 42. "A bill to prevent fraudulent conveyances and contracts relative to real and personal property,"

No. 43. "A bill concerning bills of exchange and promissory notes," and

No. 44. "A bill relative to interest."

The Secretary of the Council being introduced, delivered the following message:

"Mr. Speaker:—The Council have passed bills as follows, in which the concurrence of this House is requested, viz:

No. 21. "A bill to incorporate the Southport Academy, in the county of Racine."

No. 34, "A bill concerning replevin."

No. 39. "A bill concerning the writ of habeas corpus,"

"And have concurred in the amendments made by this House to the following bills of the Council, viz:

No. 30. "A bill concerning oaths," and

No. 32. "A bill concerning grand and petit jurors."

And then he withdrew.

Mr. Jenkins, by leave, introduced memorial No. 2, (H. R. F.) entitled "A memorial relating to the bill before Congress to shorten the term of officers of the Territory of Wisconsin." (See Appendix, Memorial No. 2.)

Which, on motion of Mr. Street, was read the first and second time.

Mr. Street moved a suspension of the rules, so that the memorial might be considered in committee of the whole.

And the ayes and noes being called for, were as follows:

Ayes.—Messrs. Beardsley, Baldwin, Bracken, Brunson, Conroe, Cruson, Carver, Dewey, Hoyt, Jenkins, Newman, Skinner, Street, Whiton, and Barber, speaker.—15.

Noes.—Messrs. Childs, Churchill, McGregor, Sholes, Shackelford, Shew, Story, and Stevens.—8.

The motion was lost, two-thirds of the members present being required to suspend a rule.

Mr. Story, from the committee appointed to revise the laws, reported the following bills, viz:

No. 45. "A bill to define the general powers of counties, and for other purposes."

No. 46. "A bill to provide for the election of county Treasurers and to define their duties and powers."

No. 47. "A bill concerning district surveyors."

No. 48. "A bill to provide for the recording of town plats."

Which were severally read the first and second time.

The undermentioned bills were read the first and second time, viz:

No. 22. "A bill to incorporate the Southport Academy, in the county of Racine."

No. 35. "A bill concerning the Attorney General and District Attorneys," and

No. 39. "A bill concerning the writ of habeas corpus."

Bill No. 23, (C. F) entitled "A bill for the relief of the county officers of Brown county," was read the third time, passed, and the title agreed to.

Ordered, That the Council be requested to concur in the amendments thereto.

Mr. Billings moved that the rule requiring bills, &c., to be printed be now suspended with reference to memorial No. 2. And the ayes and noes being called for, were taken, and were as follows:

Ayes.—Messrs. Beardsley, Billings, Baldwin, Bracken, Brunson, Conroe, Cruson, Carver, Dewey, Hoyt, Jenkins, Newman, Skinner, Street, and Barber, speaker.—15.

Noes.—Messrs. Childs, Churchill, McGregor, Sholes, Shackelford, Shew, Story, and Stevens.—8.

The motion was decided to be lost, two-thirds not voting in the affirmative.

On motion of Mr. Dewey,

The House resolved itself into the committee of the whole, Mr. Dewey in the chair, for the consideration of the following bills, (H. R. F.) viz:

No. 26. "A bill to provide for the inspection of certain articles therein named," and

No. 36. "A bill to provide for the payment of certain expenses of the Legislative Assembly of the Territory."

After some time the committee rose, and by their chairman reported said bills with amendments.

Which were agreed to.

On motion of Mr. Billings,

The House adjourned until 3 o'clock P. M.

3 O'CLOCK P. M.

Mr. Childs, from the committee on engrossed bills, by leave reported to be correctly engrossed, bill

No. 21, entitled "A bill to amend an act entitled an act to authorize the President and Trustees of Milwaukee, on the west side of Milwaukee river, to borrow money for the purposes therein mentioned."

Mr. Sholes, from the committee on enrolled bills, by leave reported "An act concerning oaths" to be correctly enrolled.

Which was signed by the Speaker, and ordered to be presented to the President of the Council for his signature.

Bill No. 26, entitled "A bill to provide for the inspection of certain articles therein named," was ordered to be engrossed and read the third time.

Bill No. 36, entitled "A bill to provide for the payment of certain expenses of the Legislative Assembly of the Territory," being before the House,

Mr. Street moved that the bill be laid on the table;

Which was disagreed to,

Mr. Dewey moved a reconsideration of the vote agreeing to the amendments reported by the committee of the whole to the said bill. The ayes and noes were called for, and Mr. Story was excused from voting.

The ayes and noes were as follows;

Ayes.—Messrs. Beardsley, Bracken, Brunson, Dewey, Jenkins, McGregor, Newman, Shew, Street, and Whiton.—10.

Noes.—Messrs. Billings, Baldwin, Childs, Conroe, Churchhill, Cruson, Carver, Hoyt, Shackelford, Skinner, Stevens, and Barber, speaker.—12.

The bill was then ordered to be engrossed for the third reading.

Mr. Story moved a reconsideration of the vote taken in the forenoon, on the suspension of the rule requiring bills, &c., to be printed before being considered by the committee of the whole, in regard to memorial No. 2.

On motion of Mr. Jenkins,

A call of the House was made, and the absent members sent for.

The absent members having appeared, the motion of Mr. Story was propounded to the House, and the ayes and noes being called for, were as follows:

Ayes.—Messrs. Beardsley, Billings, Baldwin, Bracken, Brunson, Conroe, Churchill, Cruson, Carver, Dewey, Hoyt, Jenkins, Newman, Skinner, Story, Street, Whiton, and Barber, speaker.—18.

Noes.—Messrs. Childs, McGregor, Sholes, Shackelford, Shew, and Stevens.—6.

So the said vote was reconsidered.

On motion of Mr. Carver,

The House went into committee of the whole, on said memorial No. 2, entitled "A memorial relating to a bill before Congress to shorten the terms of officers of the Territory of Wisconsin," Mr. Whiton in the chair.

After some time the committee rose and reported the memorial with an amendment, and pending the question thereon,

The Secretary of the Council was introduced and delivered the following message:

"Mr. Speaker:—The Council have passed bills of the following titles, viz:

No. 7. "A bill to incorporate the Wisconsin Marine and Fire Insurance Company."

No. 17. "A bill to amend an act entitled an act to incorporate the Milwaukee and Rock-river Canal Company."

"No 25. "A bill to provide for the appointment of a Librarian, and for other purposes."

"In which bills I am directed to ask the concurrence of this House.

"The Council have concurred in bill

"No. 1, of this House "A bill to incorporate the State Bank of Wisconsin," with amendments; in which amendments the concurrence of this House is requested."

And then he withdrew.

The amendment reported by the committee was then agreed to.

On motion of Mr. Sholes,

The said memorial was read the third time and passed, by special order of the House, all rules being suspended for that purpose.

On motion of Mr. Whiton,

The title was amended to read "A memorial relating to a bill before Congress, entitled 'A bill to amend the act establishing the Territory of Wisconsin.'"

Ordered, That the Council be requested to concur therein.

On motion of Mr. Shackelford,

The House adjourned until to-morrow at 9 o'clock A. M.

WEDNESDAY, FEBRUARY 13, 1839.

Mr. Childs, from the committee on engrossed bills, reported No: 36, entitled "A bill to provide for the payment of certain expenses of the Legislative Assembly of the Territory," to be correctly engrossed.

On motion of Mr. Whiton,

The undermentioned bills were read the first and second time, entitled as follows:

No. 7. "A bill to incorporate the Wisconsin Marine and Fire Insurance Company."

No. 17. "A bill to amend an act entitled an act to incorporate the Milwaukee and Rock river Canal Company."

No. 25. "A bill to provide for the appointment of a Librarian and for other purposes."

The Speaker announced the following bills for the third reading, and they were severally read the third time, passed, and titles agreed to, viz:

No. 21. "A bill to amend an act entitled an act to authorize the President and Trustees of Milwaukee on the west side of Milwaukee river, to borrow money for the purposes therein mentioned," and

No. 36. "A bill to provide for the payment of certain expenses of the Legislative Assembly of the Territory."

On the passage of the latter bill the ayes and noes were called for, and were as follows;

Ayes.—Messrs. Beardsley, Billings, Baldwin, Bracken, Brunson, Conroe, Cruson, Carver, Dewey, Hoyt, Jenkins, Newman, Shackelford, Shew, Skinner, Story, Stevens, Whiton, and Barber, speaker.—19.

Noes.—Messrs. McGregor, and Street.—2.

Ordered, That the Council be requested to concur therein.

Mr. Jenkins, by leave, introduced resolution No. 7, entitled "A resolution to provide for the printing of the laws."

Which was read the first and second time, and

On motion of Mr. Dewey, was laid on the table.

On motion of Mr. Street,

The House went into the committee of the whole, on resolution No. 6, entitled "A resolution to terminate the present session, and to fix the time of meeting of the next session of the Legislative Assembly," Mr. Skinner in the chair.

After some time the committee rose and by their chairman reported progress, and asked leave to sit again.

Leave was granted.

On motion of Mr. Whiton,

The House went into committee of the whole, on bill No. 12, from the Council, entitled "A bill concerning the tenure of real property, the persons capable of holding and conveying, and the manner of transmitting the title thereto," Mr. Childs in the chair.

After some time the committee rose, and by their chairman reported the progress made in the said bill, and asked leave to sit again on to-morrow.

Leave was granted.

Mr. Sholes, from the committee on enrolled bills, reported the following to be correctly enrolled, viz:

"An act concerning arbitrations.

"An act concerning the admission of attorneys at law." and

"An act concerning the time of commencing actions."

The Speaker signed the said acts, and ordered them to be presented to the President of the Council for signature.

Mr. Sholes informed the House that on to-day he had presented to the Governor for his approval, the following acts, viz:

"An act to regulate weights and measures."

"An act regulating marriages."

"An act concerning divorce."

"An act to organize Rock county, and for other purposes relating to the same," and

"An act to provide for the punishment of offences against private property,"

On motion of Mr. Whiton,

The House resolved itself into the committee of the whole, Mr. Conroe in the chair, on bills of the following titles:

No. 31. "A bill to establish the rates of toll for grinding."

No. 40. "A bill to authorize the President and Trustees of the town of Milwaukee, on the west side of the river, to levy and collect a school tax."

After some time the committee rose and reported bill No. 31 with amendments, and No. 40 without amendment.

On the question of agreeing to the amendments of the committee to bill No. 31, the ayes and noes were as follows:

Ayes.—Messrs. Beardsley, Billings, Baldwin, Bracken, Brunson, Childs, Hoyt, Newman, Shew, Skinner, and Stevens.—11.

Noes.—Messrs. Conroe, Carver, Dewey, McGregor, Story, Street, Whiton, and Barber, speaker.—9.

So the amendments were agreed to.

Mr. Shew moved the following amendment:

In section 1, line 2, strke out "one-tenth," and insert in lieu thereof "one-eighth."

Same section, line 3, strike out "one-twelfth," and insert "one-tenth" in lieu thereof.

The ayes and noes being taken on adopting the amendment, were as follows:

Ayes.—Messrs. Billings, Baldwin, Bracken, Brunson, Conroe, Cruson, Carver, Shew, and Street.—9.

Noes.—Messrs. Beardsley, Childs, Dewey, Hoyt, McGregor, Newman, Skinner, Story, Stevens, Whiton, and Barber, speaker.—19.

So the amendment was not adopted.

The bill was then ordered to be engrossed for the third reading.

Bill No. 40, by special order of the House, was read the third time, passed, and title agreed to, the rule requiring its engrossment being suspended.

Ordered, That the Council be requested to concur therein.

Mr. Bracken gave notice that on some future day he should ask leave to introduce "A bill relative to the Bank of Wisconsin, requiring its officers to close up and settle its affairs."

On motion of Mr. Whiton,

The House went into the committee of the whole, on bill

No. 42, entitled "A bill to prevent fraudulent conveyances and contracts relative to real and personal property," Mr. Hoyt in the chair.

After some time the committee rose, and reported the bill with amendments.

The report of the committee was agreed to.

Mr. Stevens moved to strike out the seventh section.

Which was disagreed to.

The bill was then ordered to be engrossed for the third reading.

The Secretary of the Council being introduced delivered the following message:

"Mr. Speaker:—The Council have passed a resolution, in which the concurrence of this House is requested, viz:

No. 7. "A resolution to authorize the location of a portion of the University lands."

"And have concurred in bill No. 32 entitled 'A bill regulating the management of prisons,' without amendment, and in the amendments made by this House to bill No. 23, entitled 'A bill for the relief of the county officers of Brown county,' with an amendment; in which amendment the concurrence of this House is requested."

And then he withdrew.

On motion of Mr. Beardsley,

The House adjourned until 3 o'clock P. M.

3 O'CLOCK P. M.

Mr. Beardsley, agreeably to notice for leave, introduced bill No. 49, entitled "A bill to amend an act entitled an act to lay out a Territorial road from Racine to Madison."

Which was read the first and second time, and

The Council then took up bills returned from the Council with amendments.

The amendment made to bill No. 23, entitled "A bill for the relief of the county officers of Brown county," was concurred in.

The House also concurred in the 1st, 2d, 3d, 4th, 5th, 6th, and 7th amendments made to bill No. 1, of this House, entitled "A bill to incorporate the State Bank of Wisconsin," and disagreed to the 8th and 9th amendments to said bill.

On the question of agreeing to the 8th amendment of the Council, viz: strike out section 27, which section provided that no person holding an office under the government of the United States should be a director, the ayes and noes were called for, and were as follows:

Ayes.—Messrs. Beardsley, Billings Baldwin, Brunson, Cruson, Carver, Hoyt, Jenkins, Stevens, Street, and Barber, speaker.—11.

Noes.—Messrs. Bracken, Conroe, Churchill, Dewey, McGregor, Newman, Sholes, Shackelford, Shew, Skinner, Story, and Whiton,—12.

Ordered, That the Council be acquainted therewith.

On motion of Mr. Whiton,

The House went into committee of the whole, Mr. Beardsley in the chair, having the following bills from the Council under consideration, viz:

No. 5. "A bill to secure religious societies within this Territory in the possession of their churches and other property."

"No. 18. A bill to incorporate the Milwaukee Lyceum."

No. 28. "A bill concerning sheriffs."

After some time the committee rose and reported bill No. 5 with, and Nos. 18 and 28 without amendments.

The report of the committee was agreed to.

The said bills were then severally ordered to a third reading, and were then read the third time, passed, and the titles agreed to.

Ordered, That the Council be informed thereof, and requested to concur in the amendments to bill No. 5.

Mr. Bracken gave notice that he should on a future day, by leave, introduce a bill to incorporate the New Diggings Mining Company.

On motion of Mr. Whiton,

The rules requiring the printed copy of bills to lay on the desks of members two days before being considered in committee of the whole, was suspended in reference to bill No. 30, entitled "A bill to provide for the punishment of offences against the public peace."

The House then resolved itself into the committee of the whole on said bill, Mr. Jenkins in the chair.

After some time the committee rose and reported the bill with an amendment.

The amendment was agreed to, and the bill ordered to be engrossed for the third reading.

On motion of Mr. Billings,

The House went into committee of the whole, Mr. Story in the chair, having bills from the Council under consideration of the following titles, viz:

No. 35. "A bill concerning the Attorney General and District Attorneys."

No. 36. "A bill concerning Masters in Chancery."

After some time the committee rose and reported the bills to the House without amendment.

The said bills were ordered to a third reading, and were severally read the third time, and passed, and titles thereof agreed to.

Ordered, That the Council be informed thereof.

The following message was received from the Council by the Secretary thereof.

"Mr. Speaker:—The Council have receded from their ninth amendment to bill No. 1, entitled 'A bill to incorporate the State Bank of Wisconsin,' and have insisted on the 8th amendment, viz: to strike out the 27th section, and have requested a conference thereon.

"Messrs. Martin and Roundtree have been appointed the committee on the part of the Council."

And then he withdrew.

On motion,

Messrs. Bracken and Carver were appointed a committee of conference on the part of this House, on the disagreeing vote of the two Houses relating to bill No. 1, entitled "A bill to incorporate the State Bank of Wisconsin."

Ordered, That the Council be acquainted therewith.

On motion of Mr. Dewey,

The House adjourned until to-morrow at 9 o'clock A. M.

THURSDAY, FEBRUARY 14, 1839.

Mr. Whiton, from the committee on the revision of the laws, reported bills of the following titles, which were read the first and second time, viz:

No. 50. "A bill making general provisions concerning crimes and punishments,"

No. 51. "A bill to provide for the trial of criminal cases."

No. 52. "A bill to provide for the appointment of agents to demand fugitives from justice and for issuing search warrants."

The Speaker laid before the House a message from the Executive, informing the House that he did, on yesterday, examine and approve the following acts, viz:

"An act to organize Rock county, and for other purposes relating to the same."

"An act to regulate weights and measures."

"An act regulating marriages."

"An act concerning divorce."

Also, a communication from the Clerk of the District Court of Iowa county, relating to the Register of Deeds of said county.

Which was referred to the select committee to which a previous communication was referred on the same subject.

The following resolution, (C. F.,) was read the first and second time, viz:

No. 7. "A resolution to authorize the location of a portion of the University lands."

On motion of Mr. Story,

The House resolved itself into the committee of the whole, Mr. Whiton in the chair, for the consideration of bill No. 2, (C. F.) entitled "A bill to provide for aiding in the construction of the Milwaukee and Rock river canal."

After some time the committee rose, and by their chairman reported the bill to the House with amendments; which were agreed to.

Mr. McGregor moved the adoption of the following amendment:

Strike out, in section 2, the words "appointed by the Governor by and with the advice and consent of the Council," and insert in lieu thereof the words "elected by joint ballot of the Council and House of Representatives."

And the ayes and noes being called for, were as follows:

Ayes.—Messrs. Beardsley, Childs, Conroe, Cruson, Carver, Dewey, Hoyt, McGregor, Shackelford, Shew, Stevens, and Whiton.—12.

Noes.—Messrs. Billings, Baldwin, Bracken, Brunson, Churchhill, Jenkins, Newman, Sholes, Skinner, Story, Street, and Barber, speaker.—12.

So the amendment was lost.

Mr. Whiton offered the following amendment, viz:

Add to the 16th section the following words, to wit:

"The said commissioners shall also examine the route of said canal as the same shall be located and established, and unless the same shall be approved of by them, no contract for the construction of said canal shall be given out."

The amendment was lost, ayes 9, noes 9.

Mr. Whiton offered the following amendment, which was adopted:

Add to the 15th section the following words, to wit:

"The said engineer shall also examine the route of the said canal as the same shall be located and established, and unless the same shall be approved of by him no contract for the construction of said canal shall be given out."

Mr. Shew offered the following amendment, which was adopted:

In section 10, line 13, add after the word "whatever," the words "the register recording such patent and mortgage, or either of them, shall receive no fee therefor."

Mr. Whiton moved to amend section 2, line 6, strike out the words "one thousand" and insert the words "six hundred," and in the same line strike out the word "twelve" and insert the word "eight."

The question was divided and first taken on striking out, and the ayes and noes were called for, and were as follows:

Ayes.—Messrs. Childs, Churchill, Dewey, McGregor, Shackelford, Stevens, and Whiton.—7.

Noes.—Messrs. Beardsley, Billings, Baldwin, Bracken, Brunson, Conroe, Cruson, Carver, Hoyt, Jenkins, Sholes, Shew, Skinner, Story, Street, and Barber, speaker.—16.

So the amendment was not adopted.

Mr. Whiton moved to amend the bill in section 15, line 3, by striking out the words "not exceed three thousand," and insert the words "fifteen hundred."

Which was disagreed to.

Mr. Bracken moved to strike out the words "shall exceed," and insert the word "be."

Mr. Whiton moved to amend the motion by striking out "three thousand" and insert "two thousand."

The amendment to the amendment was lost, and the amendment of Mr. Bracken was adopted.

Mr. Whiton moved to amend the 15th section by striking out "one million two hundred thousand," and insert "eight hundred thousand."

The ayes and noes were called for, and were as follows:

Ayes.—Messrs. Childs, Dewey, McGregor, Newman, Stevens and Whiton.—6.

Noes.—Messrs. Beardsley, Billings, Baldwin, Bracken, Brunson, Conroe, Churchill, Cruson, Carver, Hoyt, Jenkins, Sholes, Shackelford, Shew, Skinner, Story, Street, and Barber, speaker.—18.

Mr. Story moved the previous question, and the ayes and noes being called for, were as follows:

Ayes.—Messrs. Billings, Baldwin, Brunson, Carver, Skinner, and Story.—6.

Noes.—Messrs. Beardsley, Bracken, Childs, Conroe, Churchill, Cruson, Dewey, Hoyt, Jenkins, McGregor, Newman, Sholes, Shackelford, Shew, Stevens, Street, Whiton, and Barber, speaker.—18.

So the main question was not ordered.

Mr. Whiton offered a further amendment:

Add after the word "lands," in the 18th section, 6th line, the words "and if the said canal shall enter Rock river on an odd numbered section which is registered as occupied or improved land, the said land shall be appraised by the canal commissioners at the value of it without the canal, and double the appraised value shall be paid to the occupier, and the said land shall be reserved from the first sale of the lands herein authorized."

The ayes and noes being called for, were taken and were as follows:

Ayes.—Messrs. Conroe, Dewey, Hoyt, McGregor, Newman, and Whiton.—6.

Noes.—Messrs. Beardsley, Billings, Baldwin, Bracken, Brunson, Churchill, Cruson, Carver, Jenkins, Sholes, Shackelford, Shew, Skinner, Story, Stevens, Street, and Barber, speaker. —17.

Mr. Carver moved to adjourn.

Which was disagreed to.

Mr. McGregor moved the following amendment:

Strike out in the 15th section, lines 1 and 2, the words following: "the Governor by and with the advice and consent of the Council shall appoint," and insert in lieu thereof the words "the Council and House of Representatives shall elect by joint ballot."

The question was taken on striking out, and the ayes and noes on that question were as follows:

Ayes.—Messrs. Cruson, McGregor, and Newman.—3.

Noes.—Messrs. Beardsley, Billings, Baldwin, Bracken, Brunson, Conroe, Churchill, Carver, Dewey, Hoyt, Jenkins, Sholes, Shackelford, Shew, Skinner, Story, Stevens, Street, Whiton, and Barber, speaker.—20.

So the amendment was lost.

The bill was then ordered to a third reading, and was read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be requested to concur in the amendments to said bill.

On motion of Mr. Bracken,

The House adjourned until 3 o'clock P. M.

3 O'CLOCK P. M.

Mr. Sholes, from the committee on enrolled bills, reported "An act concerning grand and petit jurors," to be correctly enrolled.

Which was signed by the Speaker, and ordered to be presented to the President of the Council for his signature.

Mr. Shackelford, from the committee on the revision of the laws, reported bill No. 54, entitled "A bill concerning Justices of the Peace."

Which was read the first and second time.

Mr. Bracken, from the committee of conference, appointed on the disagreeing votes of the two Houses relating to bill No. 1, entitled "A bill to incorporate the State Bank of Wisconsin," made the following report, which was adopted:

The committee of conference recommend the following in lieu of the 27th section of the bill to incorporate the State Bank of Wisconsin, to wit:

"Any person holding an appointment under the President of the United States, Delegate and members of Congress, the Executive, and members of the Legislature of the State or Territory of Wisconsin, and every other person who may hereafter be prohibited by law, shall be, and are hereby declared incapable of holding the office of director of the bank."

Ordered, That the Council be informed thereof.

On motion of Mr. Story,

The House resolved itself into the committee of the whole, Mr. Newman in the chair, having the following bills from the Council under consideration, viz:

No. 7. "A bill to incorporate the Wisconsin Marine and Fire Insurance Company."

No. 22. "A bill to incorporate the Southport Academy, in the county of Racine."

After some time the committee reported the bills with amendments.

The question of agreeing to the report of the committee was taken separately on each bill, and the amendments to bill No. 7 were agreed to.

Mr. Conroe offered the following amendment to bill No. 7:

Add section 10. That whenever the said corporation shall fail to pay any person or persons the just, true, and lawful sum for which any property was insured, in good lawful money, the said corporation shall be dissolved.

The amendment was disagreed to.

Mr. McGregor moved the indefinite postponement of the bill, and the ayes and noes being called for, were as follows:

Ayes.—Messrs. Dewey, Hoyt, McGregor, Newman, Sholes, and Shackelford.—6.

Noes.—Messrs. Beardsley, Billings, Baldwin, Bracken, Brunson, Childs, Conroe, Churchill, Cruson, Carver, Jenkins, Shew, Skinner, Story, Stevens, Street, Whiton, and Barber, speaker.—18.

On motion of Mr. Street,

The said bills No. 7 and 22 were referred to a select committee of three.

The Speaker appointed Messrs. Street, Story, and Childs.

Mr. Bracken, by leave, introduced bill No. 55, entitled "A bill relative to the Bank of Wisconsin, and requiring its officers to close and settle its affairs."

Which was read the first and second time.

Mr. Carver gave notice that he should, on to-morrow, move to amend the 37th standing rule, by striking out the words "any member" and inserting in place thereof "one-fifth of the members present."

Message from the Council.

"Mr. Speaker:—The Council have passed bill No. 27, entitled "A bill concerning bail," in which they request the concurrence of this House.

"And have concurred in bills and memorial of this House as follows:

"No. 8. A bill to amend an act entitled an act to organize the counties of Manitouwoc and Sheboyagan."

"No. 11. A bill to incorporate the Beloit Manufacturing Company."

"No. 2. A memorial relating to a bill before Congress, entitled 'a bill to amend the act establishing the Territory of Wisconsin," in the former with an amendment in which they ask the concurrence of this House.

"The Council have adopted the report of the committee of conference in relation to the disagreeing vote of the two Houses on bill No. 1, entitled "A bill to incorporate the State Bank of Wisconsin."

And then he withdrew.

On motion of Mr. Baldwin,

Ordered, That the bill No. 55 relative to the Bank of Wisconsin be referred to a select committee.

The Speaker appointed Messrs. Baldwin, Carver, and Sholes the said committee.

On motion of Mr. Sholes,

The House resolved itself into the committee of the whole on bill No. 12, entitled "A bill concerning the tenure of real property, the persons capable of holding and conveying, and the manner of transmitting the title thereto," Mr. Carver in the chair.

After some time the bill was reported to the House with an amendment.

The amendment was agreed to, and the bill ordered to a third reading.

The bill was then read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be requested to concur in the amendment to said bill.

Bill No. 8, entitled "An act to organize the counties of Manitouwoc and Sheboyagan," returned from the Council with an amendment, was considered and the amendment was concurred in.

Ordered, That the Council be informed thereof.

On motion of Mr. Shackelford,

The House considered the following bills in the committee of the whole, Mr. Churchill in the chair, viz:

No. 28. "A bill concerning apprentices and servants."

No. 44. "A bill relative to interest."

After some time the committee rose and reported bill No. 44 with an amendment, and asked leave to sit again on bill No. 28.

The amendment was agreed to, and

Leave was granted.

On motion of Mr. Conroe,

The House adjourned until to-morrow at 9 o'clock A. M.

FRIDAY, FEBRUARY 15, 1839.

Mr. Sholes, from the committee on enrolled bills, reported "An act regulating the management of prisons," to be correctly enrolled.

Which was signed by the Speaker and ordered to be presented to the President of the Council for his signature.

Bill No. 44, entitled "A bill relating to interest," was ordered to be engrossed and read the third time.

On motion of Mr. Whiton,

The House went into committee of the whole, Mr. Billings in the chair, on bills of the following titles, viz:

No. 28. "A bill concerning apprentices and servants."

No. 54. "A bill concerning Justices of the Peace."

After some time the committee rose and reported the progress made therein, and asked leave to sit again.

Leave was granted.

Mr. Childs, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 26. "A bill to provide for the inspection of certain articles therein named."

No. 31. "A bill to establish the rates of toll for grinding." and

No. 42. "A bill to prevent fraudulent conveyances and contracts, relative to real and personal property."

On motion of Mr. Bracken,

The House adjourned until 3 o'clock P. M.

3 O'CLOCK P. M.

Mr. Carver moved to amend the thirty-seventh standing rule of this House, by striking out the words "any member," and inserting the words "one-fifth of the members present," agreeably to the notice given on yesterday.

Mr. Shew called for the ayes and noes on agreeing to the motion, which were as follows:

Ayes.—Messrs. Billings, Brunson, Carver, Story, Street, and Barber, speaker.—6.

Noes.—Messrs. Beardsley, Baldwin, Conroe, Dewey, Hoyt, Jenkins, McGregor, Newman, Sholes, Shackelford, Shew, Skinner, and Whiton.—13.

Mr. Sholes, from the committee on enrolled bills, reported that he did on to-day present to the Governor for his approval "An act regulating the management of prisons."

Mr. Whiton gave notice that he should on some future day ask leave to introduce "A bill to amend an act entitled an act to incorporate Rock county, and for other purposes relating to the same."

Mr. Story gave notice that he should, on to-morrow, move to amend the 27th standing rule of this House.

On motion of Mr. Whiton,

The House went into the committee of the whole, Mr. McGregor in the chair, on bills of the following titles, viz:

No. 28. "A bill concerning apprentices and servants."

No. 54. "A bill concerning Justices of the Peace."

After some time the committee rose and reported bill No. 28 with amendments, which were agreed to, and asked leave to sit again on bill No. 54.

Leave was granted.

Bill No. 28 was ordered to be engrossed.

Mr. Street, from the select committee to which was referred

No. 7, "A bill to incorporate the Wisconsin Marine and Fire Insurance Company," and

No. 22. "A bill to incorporate the Southport Academy in the county of Racine,"

reported the same back to the House with amendments.

On motion of Mr. Billings,

Leave of absence was granted to Mr. Jenkins until Tuesday next.

Mr. Childs, from the committee on engrossed bills, reported bill No. 44 to be correctly engrossed, entitled "A bill relating to interest."

On motion of Mr. Hoyt,

The House adjourned until to-morrow at 9 o'clock A. M.

SATURDAY, FEBRUARY 16, 1839.

Mr. Story, from the committee appointed to revise the laws, reported the undermentioned bills, which were read the first and second time, viz:

No. 53. "A bill regulating taverns and groceries."

No. 56. "A bill to prescribe the tenure of office of Auctioneers, and to levy a duty upon sales at auction in certain cases."

No. 57. "A bill respecting marks and brands for horses, cattle, sheep, and hogs."

No. 58. "A bill to provide for the relief of the poor."

No. 59. "A bill organizing a board of county commissioners in each county of this Territory."

No. 60. "A bill to provide for the election of Registers of Deeds, and to define their duties and powers."

Mr. Childs, from the committee on engrossed bills, reported to be correctly engrossed

No. 30. (H. R. F.) entitled "A bill to provide for the punishment of offences against the public peace."

Bill No. 27, (C. F.,) entitled "A bill concerning bail," was read the first and second time.

The following bills from the Council were read the second time as amended by the select committee, viz:

No. 7. "A bill to incorporate the Wisconsin Marine and Fire Insurance Company, and

No. 22. "A bill to incorporate the Southport Academy, in the county of Racine."

The Speaker announced the undermentioned bills for the third reading, and they were severally read the third time, passed, and the titles thereof agreed to, viz:

No. 26. "A bill to provide for the inspection of certain articles therein named."

No. 30. "A bill to provide for the punishment of offences against the public peace."

No. 42. "A bill to prevent fraudulent conveyances and contracts relative to real and personal property."

No. 44. "A bill relating to interest."

On the passage of the latter bill the ayes and noes being called were as follows:

Ayes.—Messrs. Beardsley, Childs, Conroe, Carver, Hoyt, McGregor, Newman, Sholes, Shackelford, Shew, Skinner, Stevens, and Barber, speaker.—14.

Noes.—Messrs. Billings, Baldwin, Bracken, Brunson, Cruson, Dewey, Street, and Whiton.—8.

Ordered, That the Council be requested to concur in the said bills

Bill No. 31, entitled "A bill to establish the rate of toll for grinding," was read the third time, and on motion of Mr. Carver, was committed to the committee of the whole House.

Mr. Bracken, in pursuance of the notice given on yesterday asked leave to introduce "A bill to incorporate the New Diggings Mining Company," which was not granted.

Message from the Council.

"Mr. Speaker:—The Council have passed the following bill and memorial, viz:

"No. 44. A bill relating to the office and duties of Auditor of the Territory of Wisconsin; and

"No. 2. "Memorial for the relief of the Brothertown Indians.

"In which bill and memorial the concurrence of this House is requested.

"The Council have concurred in the amendments made by this House to

"No. 2. A bill to provide for aiding in the construction of the Milwaukee and Rock river canal.

"And have non-concurred in the amendments made by this House to the following bills, viz:

"No. 5. A bill to secure religious societies within this Territory in the possession of their churches and other property."

"No. 12. A bill concerning the tenure of real property, the persons capable of holding and conveying, and the manner of transmitting the title thereto.

"The Governor has notified the Council that he did, on the 13th inst., examine and approve the following:

"An act concerning set-offs."

"An act concerning the construction of statutes."

"An act concerning oaths," and

"An act concerning courts of Probate, defining their jurisdiction and powers, and directing the settlement of estates therein.

And that he did, on the 14th inst., examine and approve the following:

"An act concerning the supreme court commissioners."

"An act concerning the time of commencing actions."

"An act concerning the admission of attorneys at law," and

"An act concerning arbitrations."

The House resolved itself into committee of the whole on bill No. 54, entitled "A bill concerning justices of the peace," Mr. Brunson in the chair.

After some time the committee rose and reported the bill with amendments, which were agreed to.

On the question of agreeing to the third amendment of the committee, which was to amend the first section of the second article so as to give power to justices of the peace to compel "persons who keep houses of ill fame, or frequenters of the same, or common prostitutes," to give security for their good behaviour.

The ayes and noes were called for, and were as follows:

Ayes.—Messrs. Beardsley, Billings, Baldwin, Brunson, Conroe, Dewey, Hoyt, McGregor, Newman, Sholes, Shackelford, Shew, Skinner, Story, Street, and Whiton.—16.

Noes.—Messrs. Bracken, Childs, Cruson, Jenkins, and Barber, speaker.—5.

A motion was made by Mr. Shew, that the bill be laid on the table until Monday next; and the ayes and noes being called for, were as follows:

Ayes.—Messrs. Baldwin, Bracken, Brunson, Childs, Cruson, Hoyt, Jenkins, McGregor, Newman, Shew, Skinner, and Street.—12.

Noes.—Messrs. Beardsley, Conroe, Dewey, Sholes, Shackelford, Story, Whiton, and Barber, speaker.—8.

Mr. Sholes, from the committee on enrolled bills, reported the following to be correctly enrolled, which were signed by the Speaker, and ordered to be sent to the President of the Council for his signature, viz:

"An act for the relief of the county officers of Brown county."

"An act to incorporate the Milwaukee Lyceum."

"An act concerning Masters in Chancery."

"An act concerning the Attorney General and District Attorneys."

"An act concerning sheriffs."

On motion of Mr. Story,

The rule requiring bills to be printed on being read the second time, was suspended with reference to bills of the following titles, viz:

No. 57. "A bill respecting marks and brands for horses, cattle," &c., and

No. 58. "A bill to provide for the relief of the poor."

On motion of Mr. Whiton,

The House adjourned until 3 o'clock P. M.

3 O'CLOCK P. M.,

On motion of Mr. Story,

The House resolved itself into the committee of the whole, on bill No. 17, (C. F.) entitled "A bill to amend an act entitled an act to incorporate the Milwaukee and Rock river Canal Company," Mr. Dewey in the chair.

After some time the bill was reported by the committee without amendment.

The bill was then ordered to a third reading, and was read the third time, passed, and title thereof agreed to.

Ordered, That the Council be informed thereof.

Bills from the Council amended by the House, and to which amendments the Council had disagreed, were then taken up, viz: Nos. 5 and 12.

Mr. Street moved that the House recede from their amendments made to bill No. 5, entitled "A bill to secure religious societies within this Territory in the possession of their churches and other property."

Which motion was lost, ayes 7, noes 10.

On motion of Mr. Whiton,

The House insisted on their amendments to the said bill, and Messrs. Whiton and Street were appointed a committee of conference thereon.

Ordered, That the Clerk acquaint the Council therewith, and request a conference.

On motion of Mr. Sholes,

The House receded from the amendment made to bill No. 12, entitled "A bill concerning the tenure of real property, the persons capable of holding and conveying and the manner of transmitting the title thereto."

Ordered, That the Council be acquainted therewith.

Mr. Sholes, from the committee on enrolled bills, reported to be correctly enrolled, memorial No. 2, entitled "A memorial relative to the bill before Congress, entitled a bill to amend the act organizing the Territory of Wisconsin."

The Speaker signed the said memorial, and ordered it to be presented to the President of the Council for his signature.

On motion of Mr. Whiton,

The House went into the committee of the whole, on bill No. 34, (C. F.) entitled "A bill concerning replevin," Mr. Shew in the chair.

After some time the committee reported the bill without amendment, which was then ordered to a third reading, and was read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be acquainted therewith.

On motion of Mr. Story,

The House adjourned.

MONDAY, FEBRUARY 18, 1839.

Mr. Blackstone presented the petition of inhabitants of the Territory, praying for an appropriation to construct a bridge across the Pecatonica river.

Referred to the committee on roads.

Mr. Story, from the committee appointed to revise the laws, reported the undermentioned bills, which were read the first and second time, viz:

No. 61. "A bill to provide for a Territorial revenue."

No. 62. "A bill to regulate ferries," and

No. 63. "A bill to establish certain towns in the counties of Milwaukee, Brown, Racine, and Walworth, and the counties thereto attached for judicial purposes, and to provide for the election of certain officers therein."

On motion of Mr. Sholes,

Bill No. 63 was referred to the following select committee, viz: Messrs. Sholes, Story, and Whiton.

On motion of Mr. Story,

Ordered, That the rule requiring bills to be printed be suspended with reference to bill No. 63.

Mr. Childs, from the committee on engrossed bills, reported Bill No. 28, entitled "A bill concerning apprentices and servants," to be correctly engrossed.

Mr. Street, from the committee on enrolled bills, reported "An act to amend an act entitled an act to organize the counties of Manitouwoc and Sheboyagan," to be correctly enrolled.

Which was signed by the Speaker, and ordered to be presented to the President of the Council for his signature.

Mr. Street, from the committee of conference on the disagreeing vote of the two Houses, relating to bill No. 5, entitled "A bill to secure religious societies within this Territory in the possession of their churches and other property," made the following joint report which was adopted.

The committee of conference agree upon the following amendments, viz:

First—In the fifth line, section 2d, strike out "at any, one place," and insert "in any one village, town or township."

Second—Strike out the two last lines of section second.

Mr. Sholes gave notice that on Saturday last he presented to the Governor for his approval "A memorial relating to a bill before Congress, entitled "A bill to amend the act establishing the Territory of Wisconsin.'"

Mr. Beardsley, to whom was referred the petition of Adaline Kiets, asked leave to introduce bill No. 64, entitled "A bill to divorce Adaline Kiets from her husband, Sidney Kiets," which was read.

Mr. Sholes moved that the bill be rejected, and the ayes and noes being called for, were as follows:

Ayes.—Messrs. Baldwin, Conroe, Cruson, Carver, Dewey, Hoyt, McGregor, Sholes, Skinner, Stevens, Sutherland, Street and Whiton.—13.

Noes.—Messrs. Beardsley, Billings, Brunson, Churchill, Newman, Shew, Story, and Barber, speaker.—8.

Leave was granted to Mr. Beardsley to withdraw the petition and papers of Adaline Kiets.

The Speaker laid before the House a message from the Executive, stating that he did, on the 15th inst., examine and approve the following acts, viz:

"An act to provide for the punishment of forgery and counterfeiting."

"An act regulating the management of prisons."

"An act to provide for the punishment of offences against the lives and persons of individuals," and

"An act to provide for the punishment of offences against private property."

Engrossed bill No. 28, (H. R. F.) entitled "A bill concerning apprentices and servants," was read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be requested to concur therein.

Message from the Council by the Secretary.

"Mr. Speaker:—The Council have passed bills and a resolution, as follows, in which they request the concurrence of this House, viz:

"No. 38. A bill to provide for the appointment of a Territorial Treasurer, and to define his duties.

"No. 40. "A bill concerning insolvent debtors.

"No. 47. "A bill to provide for and regulate general elections.

"No. 9. "Resolution relative to termination of the present session."

"And have concurred in bill No. 21, of this House, entitled "A bill to amend an act entitled an act to authorize the President and Trustees of Milwaukee, on the west side of Milwaukee river, to borrow money for the purposes therein mentioned.

"The Council have adopted the report of the joint committee of conference, in relation to the disagreeing vote of the two Houses, on bill No. 5, entitled "A bill to secure religious societies within this Territory, in the possession of their churches and other property."

"The Governor has notified the Council that he did, on the 15th inst., approve 'An act concerning grand and petit jurors.'

And then he withdrew.

Bill No. 54, entitled "A bill concerning Justices of the

Peace," being the special order of the day, was taken up and the following amendments were made:

In the first section, 4th line, of the first article, strike out "four" and insert "two."

In 3d article, 6th section, after the word "account," insert the words "commenced by warrant or attachment," and at the close of said section, add the words following: "at least three days before the return day of the summons, provided such suits be commenced by summons.

Add to section 10, the 4th article, the following words:

"A justice of the peace may without the application or consent of either party if it be necessary, adjourn a cause not exceeding three days for any one adjournment, but a justice shall in no cause adjourn a cause commenced by warrant upon his own motion."

In the 13th article, section 14th, the words "either the prosecutor or," were stricken out.

In the same article, sections 20 and 23 were stricken out.

The bill was then ordered to be engrossed for the third reading.

The undermentioned bills, memorial, and resolution from the Council, were read the first and second time.

No. 2. "Memorial for the relief of the Brothertown Indians."

No. 38. "A bill to provide for the appointment of a Territorial Treasurer, and to define his duties."

No. 40. "A bill concerning insolvent debtors."

No. 44. "A bill relating to the office and duties of Auditor of the Territory of Wisconsin;" and

No. 47. "A bill to provide for and regulate general elections."

On motion of Mr. Whiton,

The House resolved itself into the committee of the whole, on the following bill and resolution from the Council, Mr. Sutherland in the chair, entitled,

No. 7. "A resolution to authorize the location of the University lands," and

No. 31. "A bill to establish the rates of toll for grinding."

After some time, the committee rose and reported the bill and resolution with amendments.

The report of the committee was agreed to in relation to bill No. 31.

The question was then taken on agreeing to the first amendment to resolution No. 7, which was to strike out the name of "Jeremiah B. Zander," and insert "Lucius G. Fisher," and the ayes and noes being called for, were as follows:

Ayes.—Messrs. Beardsley, Childs, Hoyt, Jenkins, Newman, Sholes, Shackelford, Stevens, Sutherland, and Whiton.—11.

Noes.—Messrs. Billings, Baldwin, Bracken, Conroe, Cruson, Carver, Dewey, McGregor, Shew, Skinner, Story, Street, and Barber, speaker.—13.

The question was then taken on agreeing to the second amendment, and the ayes and noes being called for, were as follows:

Ayes.—Messrs. Beardsley, Bracken, Conroe, Cruson, Carver, Hoyt, McGregor, Newman, Shew, Skinner, Story, Stevens, and Whiton.—13.

Noes.—Messrs. Blackstone, Billings, Baldwin, Brunson, Childs, Dewey, Jenkins, Sholes, Shackelford, Sutherland, Street, and Barber, speaker.—12.

So the amendment was agreed to.

Mr. Whiton moved to amend the bill by striking out the name of "Jeremiah B. Zander," and inserting the name of "Horace White," in lieu thereof.

The question was taken on striking out, and the ayes and noes were called for, and were as follows:

Ayes.—Messrs. Blackstone, Beardsley, Bracken, Brunson, Childs, Hoyt, Jenkins, McGregor, Newman, Sholes, Shackelford, Stevens, and Whiton.—13.

Noes.—Messrs. Billings, Baldwin, Conroe, Churchill, Cruson, Carver, Dewey, Shew, Skinner, Story, Sutherland, Street, and Barber, speaker.—13.

So the motion was lost.

The House adjourned until 3 o'clock P. M.

3 O'CLOCK P. M.

Mr. Sholes, from the joint committee on enrolled bills, reported the following to be correctly enrolled, viz:

"A bill to incorporate the Beloit Manufacturing Company."

Which was signed by the Speaker and ordered to be presented to the President of the Council for his signature.

Mr. Sholes gave notice that he did on to-day present to the Governor for his approval "An act to amend an act entitled an act to organize the counties of Manitouwoc and Sheboyagan."

Resolution from the Council No. 7, entitled "A resolution to authorize the location of a portion of the University lands," was amended, on motion of Mr. Sholes, by filling the blank in the last resolve with the words "four and a half."

On motion of Mr. Whiton,

The resolution was further amended by unanimous consent by striking out the "15th day of March," and inserting the "1st day of May."

The resolution was then ordered to a third reading, and was read the third time, passed, and the title agreed to.

Ordered, That the Council be requested to concur in the amendments made thereto.

Bill No. 31, entitled "A bill to establish the rate of toll for grinding," was ordered to be engrossed for the third reading.

On motion of Mr. Sholes,

The House resolved itself into the committee of the whole, on bills from the Council of the following titles, Mr. Childs in the chair, viz:

No. 25. "A bill to provide for the appointment of a Librarian, and for other purposes," and

No. 39. "A bill concerning the writ of Habeas Corpus."

After some time the committee rose and reported bill No. 25 with, and No. 39 without amendments.

The House agreed to the report of the committee, and the said bills were severally ordered to a third reading.

Bill No. 25 was read the third time, when Mr. Street asked the unanimous consent of the House to amend the bill.

Which was refused.

Mr. Street then moved that the bill be re-committed to the committee of the whole House, and the question being propounded, was decided in the negative.

The bill was then passed, and the title thereof agreed to.

Bill No. 39 was read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be acquainted therewith, and be requested to concur in the amendments to bill No. 25.

On motion of Mr. Billings,

The House resolved itself into the committee of the whole, on bills from the Council of the following titles, Mr. Cruson in the chair, viz:

No. 7. "A bill to incorporate the Wisconsin Marine and Fire Insurance Company," and

No. 22. "A bill to incorporate the Southport Academy, in the county of Racine."

After some time the committee rose, and reported the bills to the House with amendments, which were agreed to.

On motion of Mr. Carver,

Bill No. 7 was laid on the table until Thursday next.

Bill No. 22 was read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be requested to concur in the amendments to said bill.

On motion of Mr. Whiton,

The House adjourned until to-morrow at 9 o'clock A. M.

TUESDAY, FEBRUARY 19, 1839.

Mr. Hoyt presented several petitions praying for the organization of a new county to include the valley of the Fox river.

Referred to the committee on Territorial affairs.

Mr. Stevens presented a remonstrance against the formation of said county.

Referred to the same committee.

Mr. Churchill presented the petition of inhabitants of the Territory relating to a road from Orendorf's ferry to Madison.

Referred to the same committee to which a previous petition was referred praying for the location of said road.

Mr. Shackelford, from the committee of the revision of the laws, reported the following bills, which were read the first and second time, viz:

No. 65. A bill relative to limited partnership."

No. 66. "A bill concerning the lien of mechanics and others for the cost of repairs and improvements on real estate."

On motion of Mr. Shackelford,

Ordered, That the rule requiring bills to be printed with reference to bill No. 65 be suspended.

Mr. Childs, from the committee on engrossed bills, reported Bill No. 31, to be correctly engrossed, entitled "A bill to establish the rate of toll for grinding."

Mr. Sholes, from the joint committee on enrolled bills, reported the following to be correctly enrolled, viz:

"A memorial of the Legislative Assembly to the Secretary of War, asking a supply of arms for the Territory, and for the stationing of dragoons on this frontier."

"An act to amend an act entitled an act to incorporate the Milwaukee and Rock river Canal Company."

"An act to amend an act entitled an act to authorize the President and Trustees of Milwaukee, on the west side of Milwaukee river, to borrow money for the purposes therein mentioned." and

"An act to incorporate the State Bank of Wisconsin."

The Speaker signed the said memorial and bill, and ordered it to be presented to the President of the Council for his signature.

Mr. Sutherland, from the committee to which bill No. 24 was referred, entitled "A bill to organize Dane county," reported the bill to the House with amendments, which was read the second time.

Mr. Skinner, from the committee on roads, to whom was referred the petition of Samuel Davis and others, praying for the construction of a bridge across the Pecatonica river, reported "That in their opinion the requisite power is vested in the county commissioners to authorize the building of bridges and to establish ferries in all cases. They therefore deem it inexpedient to take any further action on said petitions."

The report was adopted, and the committee discharged from further consideration of the subject.

The Speaker laid before the House a message from the Governor, stating that he did on to-day examine and approve "A memorial relating to the bill before Congress entitled 'A bill to amend the act establishing the Territory of Wisconsin,'" and "An act entitled 'an act to organize the counties of Manitouwoc and Sheboyagan.'"

Bill No. 31, engrossed for a third reading, entitled "A bill to establish the rate of toll for grinding," was read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be requested to concur therein.

On motion of Mr. Sholes,

The House resolved itself into the committee of the whole, Mr. Blackstone in the chair, for the consideration of bills of this House, as follows:

No. 29. "A bill to prevent forcible entries and detainers." and

No. 27. "A bill for the support and maintainance of illegitimate children."

After some time the committee rose, and reported by their chairman said bills to the House with amendments.

The report of the committee was agreed to, and the bills were ordered to be engrossed for a third reading.

Mr. Blackstone, by leave, introduced bill No. 67, entitled "A bill to incorporate the Union Mining Company."

Which was read the first and second time.

The Secretary of Council being introduced, delivered the following message:

"Mr. Speaker.—The Council have concurred in bills of this House of the following titles, viz:

No. 28. "A bill concerning apprentices and servants."

No. 30. "A bill to provide for the punishment of offences against the public peace."

No. 40. "A bill to authorize the President and Trustees of the town of Milwaukee on the west side of the river, to levy and collect a school tax."

No. 42. "A bill to prevent fraudulent conveyances and contracts relative to real and personal property." and

No. 44. "A bill relating to interest."

"The former with an amendment in which I am directed to ask the concurrence of this House.

"The Council have also passed No. 8, "Resolution authorizing and requiring the Attorney General to institute a suit against the Bank of Wisconsin," in which resolution the concurrence of this House is requested.

The Governor has informed the Council that he did on this day examine and approve the following acts, viz:

"An act concerning the Attorney General and District Attorneys."

"An act concerning Masters in Chancery."

"An act to incorporate the Milwaukee Lyceum."

"An act for the relief of the county officers of Brown county." and

"An act concerning sheriffs."

And then he withdrew.

On motion of Mr. Sholes,

The House resolved itself into the committee of the whole, on resolution No. 9, from the Council, entitled "Resolution relative to termination of the present session," Mr. Skinner in the chair.

After a short time the committee rose, and by their chairman reported the resolution with amendments.

The report of the committee was agreed to, and the said resolution, ordered to a third reading, was then read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be requested to concur in the amendments made thereto.

On motion of Mr. Shackelford.

The House resolved itself into the committee of the whole, Mr. Whiton in the chair, for the consideration of bills of this

House entitled as follows:

No. 47. "A bill concerning district surveyors."

No. 57. "A bill respecting marks and brands for horses, cattle, sheep, and hogs," and

No. 58. "A bill to provide for the relief of the poor."

After some time the committee rose, and by their chairman reported bill No. 58 with, and 57 without amendments, and asked leave to sit again on bill No. 47.

The report of the committee was agreed to, and leave was granted.

On motion of Mr. Sholes,

The House adjourned until 3 o'clock P. M.

3 O'CLOCK P. M.

Mr. Sholes presented the accounts of James Morrison and William Brown, and moved that they be referred to the committee on claims.

So referred.

Mr. Sholes, from the committee on enrolled bills, reported that he did on this day, present to the Governor for his approval the following, viz:

"An act to amend an act entitled an act to authorize the President and Trustees of Milwaukee, on the west side of Milwaukee river, to borrow money for the purposes therein mentioned."

"An act to incorporate the Beloit Manufacturing Company."

The following bills were ordered to be engrossed for a third reading."

No. 57. "A bill respecting marks and brands for horses, cattle, sheep, and hogs."

No. 58. "A bill to provide for the relief of the poor."

Bill No. 28, of this House, entitled "A bill concerning apprentices and servants," returned from the Council with an amendment, was considered, and the amendment concurred in.

Ordered, That the Clerk acqaint the Council therewith.

Resolution No. 8, from the Council, was read the first and second time, entitled "Resolution authorizing and requiring the Attorney General to institute a suit against the Bank of Wisconsin."

On motion of Mr. Whiton,

Bill No. 47, entitled "A bill concerning district surveyors," was considered in the committee of whole, Mr. Jenkins in the chair.

After some time the committee rose, reported progress made therein, and asked leave to sit again on to-morrow.

On motion of Mr. Churchill,

The bill was laid on the table.

On motion of Mr. Whiton,

Bills 37 and 51, of this House, were considered in the committee of the whole, Mr. Hoyt in the chair, entitled as follows:

No. 37. "A bill respecting judgments in criminal cases, and the execution thereof."

No. 51. "A bill to provide for the trial of criminal cases."

After some time the committee rose and reported bill No. 51 with amendments, which were agreed to, and asked leave to sit again on to-morrow on bill No. 37.

Leave was granted.

Bill No. 51 was ordered to be engrossed for a third reading.

The Secretary of the Council being introduced delivered the following message:

"Mr. Speaker:—The Council have passed the following, viz:

No. 43. "A bill to authorize Charles F. H. Goodhue and James Rogan to erect a dam on Rock river, and for other purposes."

No. 49. "A bill to provide for laying out and establishing several Territorial roads therein named."

No. 51. "A bill concerning clerks of courts."

No. 52. "A bill concerning seals."

No. 54. "A bill to divide the town of Delevan, and for other purposes."

No. 3. "Memorial for an appropriation for the removal of the bars in Grant and Platte rivers; and for other purposes." and

No. 10. "Resolution requesting the Governor to transmit memorial to the Secretary of War."

In which bills, memorial, and resolution the concurrence of this House is requested.

"The Council have concurred in amendments of this House made to bills and resolutions as follows:

No. 22. "A bill to incorporate the Southport Academy in the county of Racine,"

No. 25. "A bill to provide for the appointment of a Librarian, and for other purposes."

No. 7. "A resolution to authorize the location of the University lands." and

"No. 9. "Resolution relative to termination of the present session,"—except the 4th amendment to the latter, viz: to strike out the word "annual," in which they have refused to concur."

And then he withdrew.

On motion of Mr. Street,

Resolution No. 10, from the Council, entitled "A resolution requesting the Governor to transmit a memorial to the Secretary of War," was, by special order of the House, read and adopted.

Ordered, That the Council be acquainted therewith.

On motion of Mr. Shackelford,

The House went into the committee of the whole, Mr. Shew in the chair, having bills under consideration of the following titles, viz:

No. 43. "A bill concerning bills of exchange and promissory notes."

No. 45. "A bill to define the general powers of counties, and for other purposes."

No. 46. "A bill to provide for the election of county Treasurers, and to define their duties and powers."

After some time the committee rose and reported bill 43 without, and 45 and 46 with amendments.

The report of the committee was agreed to, and the said bills were severally ordered to be engrossed for the third reading.

Mr. Bracken informed the House that on to-morrow, or at some future day, he should ask leave to introduce "A bill to incorporate the Pecatonica navigation company."

On motion of Mr. Baldwin,

The House adjourned until to-morrow at 9 o'clock A. M.

WEDNESDAY, FEBRUARY 20, 1839.

Mr. Sholes, from the joint committee on enrolled bills, reported the following to be correctly enrolled, which were signed by the Speaker and ordered to be presented to the President of the Council for his signature, viz:

"An act concerning interest."

"An act to authorize the President and Trustees of the town of Milwaukee, on the west side of the river, to levy and collect a school tax."

The Speaker laid before the House a message from the Governor, informing them that he had on to-day examined and approved the following, viz:

"An act to amend an act entitled an act to authorize the President and Trustees of Milwaukee on the west side of Milwaukee river, to borrow money for the purposes mentioned," and

"An act to incorporate the Beloit Manufacturing company."

Resolution No. 9, (C. F.) entitled "Resolution relative to termination of the present session," amended by the House and returned from the Council with non-concurrence in the fourth amendment, was considered.

On motion of Mr. Sholes,

The House insisted on their fourth amendment, and ordered a committee of conference to be appointed in relation thereto.

The Speaker appointed Messrs. Sholes and Shew the said committee.

Ordered, That the Council be acquainted therewith.

The undermentioned bills and memorial from the Council were read the first and second time, entitled as follows:

No. 3. "Memorial for an appropriation for the removal of the bar in Grant and Platte rivers, and for other purposes."

No. 43. "A bill to authorize Charles F. H. Goodhue and James Rogan to erect a dam on Rock river, and for other purposes."

No. 49. "A bill to provide for laying out and establishing several Territorial roads therein named."

No. 51. "A bill concerning clerks of courts."

No. 52. "A bill concerning seals."

No. 54. "A bill to divide the town of Delevan, and for other purposes."

The House then considered bill No. 37 in the committee of the whole, Mr. Beardsley in the chair, entitled "A bill respecting judgments in criminal cases and the execution thereof."

After a short time the committee rose and reported the bill to the House with amendments.

The amendments were agreed to, and the bill ordered to be engrossed for the third reading.

On motion of Mr. Shackelford,

The House considered the following memorial and bills from the Council in the committee of the whole, Mr. Baldwin in the chair, viz:

No. 2. "Memorial for the relief of the Brothertown Indians."

"No. 38. A bill to provide for the appointment of a Territorial Treasurer, and to define his duties."

No. 44. "A bill relating to the office and duties of Auditor of the Territory of Wisconsin."

After some time the committee rose and reported the memorial without, and the bills with amendments.

The report of the committee was agreed to, and the memorial and bills were severally ordered to a third reading, and were severally read the third time, passed, and the titles thereof agreed to.

On the question of the passage of said memorial, the ayes and noes were called for, and were as follows:

Ayes.—Messrs. Beardsley, Brunson, Childs, Conroe, Carver, Hoyt, Newman, Sholes, Shackelford, Skinner, Story, Stevens, Sutherland, Whiton, and Barber, speaker.—15.

Noes.—Messrs. Blackstone, Billings, Baldwin, Bracken, Cruson, Dewey, McGregor, and Shew.—8.

Ordered, That the Council be requested to concur in the amendment to said bills.

On motion of Mr. Shackelford,

The House resolved itself into the committee of the whole, on bills from the Council of the following titles, Mr. Conroe in the chair, viz:

No. 27. "A bill concerning bail."

No. 40. "A bill concerning insolvent debtors."

After some time the committee rose, and reported bill No. 40 with amendments, and No. 27 without amendment.

The report of the committee was agreed to, and the bills ordered to a third reading, which were then read the third time, passed, and the titles thereof agreed to.

Ordered, That the Council be acquainted therewith.

Bill No. 47, entitled "A bill concerning district surveyors," was referred to the following select committee, viz: Messrs. Street, Story, and Brunson.

The Secretary of the Council being introduced delivered the following message:

"Mr. Speaker:—The Council have passed the following, viz:

No. 29. "A bill concerning testimony and depositions."

No. 56. "A bill to incorporate the Platteville Academy, in the county of Grant." and

No. 60. "A bill to incorporate the Jefferson Institute."

In which bills I am directed to ask the concurrence of this House.

The Governor has notified the Council that he did on this day examine and approve the following, viz:

"An act to amend an act entitled an act to incorporate the Mlwaukee and Rock river Canal Company." and

"A memorial of the Legislative Assembly to the Secretary of War, asking a supply of arms for the Territory, and for the stationing of dragoons on this frontier."

And then he withdrew.

On motion of Mr. Sutherland,

The House resolved itself into the committee of the whole, Mr. Street in the chair, for the consideration of bills of this House, of the following titles:

No. 24, "A bill to organize the county of Dane."

No. 49. "A bill to amend an act to lay out a Territorial road from Racine to Madison," and

No. 67. "A bill to incorporate the Union Mining Company."

After some time the committee rose, and by their chairman reported bill No. 24 with, and Nos. 49 and 67 without amendment.

The report of the committee was agreed to.

On motion of Mr. Childs,

Bill No. 24 was referred to the following select committee, viz: Messrs. Childs, Bracken, and Whiton.

Bill No. 49 was laid on the table, and No. 67 was ordered to be engrossed for the third reading.

Mr. Sholes, from the joint committee on enrolled bills, reported the following to be correctly enrolled, viz:

"An act to provide for aiding in the construction of the Milwaukee and Rock river canal.

"A resolution to authorize the location of a portion of the University lands."

"An act to secure religious societies within this Territory in the possession of their churches and other property."

The Speaker signed the said acts and resolution, and ordered them to be presented to the President of the Council for his signature.

Mr. Sholes presented the accounts of James Morrison, Wm. T. Sterling, and Wm. B. Slaughter.

Referred to the committee on claims.

On motion of Mr. Shackelford.

The House adjourned until 2 o'clock P. M.

2 O'CLOCK P. M.

Bills from the Council were read the first and second time of the following titles, viz:

No. 29. "A bill concerning testimony and depositions."

No. 56. "A bill to incorporate the Platteville Academy in the county of Grant."

No. 60. "A bill to incorporate the Jefferson Institute."

On motion of Mr. Sholes,

The House resolved itself into the committee of the whole on bill No. 47, from the Council, entitled "A bill to provide for and regulate general elections in this Territory," Mr. Stevens in the chair.

After some time the committee reported the bill to the House with an amendment, which was agreed to.

The bill was then ordered to lie on the table.

Mr. Bracken gave notice that on a future day he should, by leave, introduce a bill to create a common school fund and for other purposes.

Mr. Sholes, from the committee to which bill No. 63 was referred, reported the bill to the House with amendments.

The report was accepted and the committee discharged.

The bill was then read the second time, entitled

No. 63. "A bill to establish certain towns in the counties of Milwaukee, Brown, Racine, and Walworth, and the counties thereto attached for judicial purposes, and to provide for the election of certain officers therein."

On motion of Mr. Jenkins,

Bill No. 35, entitled "A bill to amend an act entitled an act to incorporate the Dodgeville Mining Company," was taken up, and

The question being "Shall the bill be engrossed and read the third time?" the ayes and noes were called for, and were as follows:

Ayes.—Messrs. Blackstone, Beardsley, Baldwin, Bracken, Childs, Conroe, Churchill, Hoyt, Jenkins, Sholes, and Barber, speaker.—11.

Noes.—Messrs. Brunson, Cruson, Carver, Dewey, McGregor, Shackelford, Shew, Skinner, Story, Street, and Whiton.—12.

So the House declared the bill should not be engrossed.

On motion of Mr. Shackelford,

The House resolved itself into the committee of the whole, Mr. Sholes in the chair, for the consideration of bills of this House of the following titles, viz:

No. 41. "A bill to incorporate the Mineral Point copper and lead, smelting and mining company."

No. 48. "A bill to provide for recording town plats," and

No. 65. A bill relative to limited partnership."

After some time, the committee rose and reported bills 41 and 65 without, and 48 with amendments.

The report of the committee was agreed to.

Mr. Dewey moved that bill No. 41 be laid on the table, and the ayes and noes being called for were as follows:

Ayes.—Messrs. Beardsley, Brunson, Conroe, Cruson, Carver, Dewey, McGregor, Newman, Sholes, Shackelford, Shew, Sutherland, and Street.—13.

Noes.—Messrs. Blackstone, Billings, Baldwin, Bracken, Childs, Churchill, Hoyt, Jenkins, Skinner, Story, Stevens, and Barber, speaker.—12.

Bills 48 and 65 were then severally ordered to be engrossed for a third reading.

On motion of Mr. Billings,

The House considered bill No. 23, of this House, in the committee of the whole, Mr. Shackelford in the chair, entitled "A bill to incorporate the Milwaukee Manufacturing and Hydraulic Company."

After some time the bill was reported to the House with amendments, which were agreed to, and the bill ordered to be engrossed for a third reading.

The following message from the Council was received by the Secretary thereof.

"Mr. Speaker.—The Council have concurred in the amendments made by the House to bill No. 40, entitled

"A bill concerning insolvent debtors:"

Have non-concurred in the amendments made to each of the following bills, viz:

No. 35, "A bill to provide for the appointment of a Territorial Treasurer and to define his duties," and

No. 44. "A bill relative to the office and duties of the Auditor of the Territory of Wisconsin."

And have insisted on their disagreeing vote to the amendment made by this House to resolution No. 9, entitled "Resolution relative to the termination of the present session," and have appointed Messrs. Prentiss and Irwin a committee of conference on their part to act in conjunction with the committee appointed by this House.

And then he withdrew.

Mr. Shew gave notice that on a future day he should bring in a bill to amend an act entitled "An act to authorize Thomas P. Burnett and Alexander McGregor to establish a ferry across the Mississippi river."

On motion of Mr. Sholes,

Leave of absence was granted to George Batchelder, transcribing clerk, for nine days.

On motion of Mr. Shackelford,

The House insisted on their amendments to the following bills to which the Council had disagreed, viz:

No. 44. "A bill relating to the office and duties of the Auditor of the Territory of Wisconsin."

No. 35. "A bill to provide for the appointment of a Territorial Treasurer and to define his duties."

Messrs. Whiton and Shackelford were appointed a committee of conference on the part of the House in relation to the said bills.

Ordered, That the Clerk inform the Council thereof, and request a conference.

Mr. Street gave notice that he should by leave, on a future day, introduce a bill to provide for the public health.

On motion of Mr. Childs,

The House adjourned.

THURSDAY, FEBRUARY 21, 1839.

Mr. Stevens presented a remonstrance of the inhabitants of Southport against the formation of a new county to include the valley of the Fox river.

Referred to the same committee to which a petition was referred praying for the formation of said county.

Mr. Billings presented the petition of A. G. Ellis and others, praying to be authorized to build a dam across Rock river.

Referred to the committee on internal improvements.

Mr. Childs, from the committee on engrossed bills, reported No. 67 to be correctly engrossed, entitled "A bill to incorporate the Union Mining Company."

Mr. Story, from the committee on the revision of the laws, reported the following bills, which were read the first and second time, viz:

No. 68. "A bill to restrain hawkers and pedlars from selling without license."

No. 69. "A bill relating to estrays."

Mr. Street, from the committee on enrolled bills, reported bill No. 30 to be correctly enrolled, entitled "An act to provide for the punishment of offences against the public peace."

Mr. Sholes, from the committee on enrolled bills, reported the following to be correctly enrolled, viz:

"An act concerning the tenure of real property, the persons capable of holding and conveying, and the manner of transmitting the title thereto."

"An act concerning the writ of habeas corpus."

"An act to incorporate the Southport Academy, in the county of Racine."

"A bill concerning apprentices and servants."

The Speaker signed the said several acts.

Ordered, That they be presented to the President of the Council for his signature.

The Speaker laid before the House a message from the Executive, informing them that he had approved the following, viz:

"An act to authorize the President and Trustees of the town of Milwaukee on the west side of the river, to levy and collect a school tax." and

"An act relating to interest."

Engrossed bill No. 67, entitled "A bill to incorporate the Union Mining Company," was committed to the committee of the whole House.

The House then proceeded to consider the special order of the day, being bill No. 7, from the Council, entitled

"A bill to incorporate the Wisconsin Marine and Fire Insurance Company."

Mr. Carver offered the following amendment to the bill.

"Strike out all from the 11th line in section 2, and insert

"This incorporation may likewise receive money on deposite, and loan the same on bottomry respondentia, or other satisfactory security, at such rates of interest as may be done by individuals, by the laws of this Territory; may also make insurances upon life or lives, and employ all such capital as may belong or accrue to said company in the purchase of public or other stock, or in any other moneyed transactions or operations for the sole benefit of said company, may transact all business usually performed by insurance companies, provided nothing herein contained shall give the said company banking privileges."

The amendment was not adopted.

The question was then taken on ordering the bill to the third reading, and the ayes and noes being called for, were as follows:

Ayes.—Messrs. Blackstone, Beardsley, Billings, Baldwin, Bracken, Childs, Conroe, Churchill, Hoyt, Skinner, Story, Stevens, Sutherland, Whiton, and Barber, speaker.—15.

Noes.—Messrs. Brunson, Cruson, Carver, Dewey, McGregor, Newman, Sholes, Shackelford, and Shew.—9.

The bill was then read the third time and on the question "Shall the bill pass?" the ayes and noes were as follows:

Ayes.—Messrs. Blackstone, Beardsley, Billings, Baldwin, Bracken, Childs, Churchill, Hoyt, Skinner, Story, Stevens, Sutherland, Whiton, and Barber, speaker.—14.

Noes.—Messrs. Brunson, Conroe, Cruson, Carver, Dewey, McGregor, Newman, Sholes, Shackelford, and Shew.—10.

So the bill passed and the title was agreed to,

Ordered, That the Clerk acqaint the Council therewith.

On motion of Mr. Shew,

Leave of absence was granted to Mr. Mormon, sergeant-at arms, until Monday next.

On motion of Mr. Sholes,

The House considered bill No. 63 (H. R. F.) entitled "A bill to establish certain towns in the counties of Milwaukee, Brown, Racine and Walworth, and the counties thereto attached for judicial purposes," &c., in the committee of the whole, Mr. Bracken in the chair.

After some time the committee rose and reported the bill to the House with amendments, which were agreed to.

The bill was then ordered to be engrossed for the third reading.

Message from the Council by the Secretary.

"Mr. Speaker:—The Council have passed bills and a resolution of the following titles, viz:

No. 26. "A bill for the organization of the county of Jefferson."

No. 33. "A bill defining the rights and duties of landlords and tenants."

No. 50. "A bill for the relief of persons confined in jail on civil process."

No. 55. "A bill concerning notaries public."

No. 11. "Joint resolution relative to preparing for publication the statute laws of the Territory."

"In which bills and resolution the concurrence of this House is requested.

"And have concurred in bill No. 31, (H. R. F.) "A bill to establish the rates of toll for grinding," with amendments, in which amendments the concurrence of this House is requested.

The Governor has notified the Council that he did on this day examine and approve the following, viz:

"An act to secure religious societies within this Territory in the possession of their churches and other property."

"A resolution to authorize the location of a portion of the University lands."

And then he withdrew.

On motion of Mr. Conroe,

The House resolved itself into the committee of the whole, Mr. Cruson in the chair, on bills of the following titles, viz:

No. 49. (C. F.) "A bill to provide for laying out and establishing several Territorial roads therein named."

No. 67. (H. R. F.) "A bill to incorporate the Union Mining Company."

After some time the committee rose and reported the bills with amendments, which were agreed to.

No. 49 was ordered to a third reading, and

No. 67 was ordered to be engrossed.

On motion of Mr. Conroe,

The House adjourned until 2 o'clock P. M.

2 O'CLOCK P. M.

Mr. Bracken, agreeably to notice for leave, introduced bills of the following titles, which were read the first and second time, viz:

No. 79. "A bill to incorporate the Pecatonica Navigation Company."

No. 71. "A bill to create a common school fund and for other purposes."

On motion of Mr. Conroe,

The House went into the committee of the whole, Mr. Story in the chair, on bills of the following titles, viz:

No. 38. "A bill to provide for the punishment of offences against the public peace."

No. 50. "A bill to provide for the punishment of offences against the public health."

No. 61. "A bill to provide for a Territorial revenue."

No. 62. "A bill to regulate ferries."

After some time the committee rose and reported bill 62 with, and 38 without amendments, and asked leave to sit again on bills 50 and 61.

The report of the committee was agreed to, and leave granted.

Mr. Churchill moved the following amendment to bill No. 62, viz:

Strike out sections 2 and 3.

The amendment was agreed to, and the bill ordered to be engrossed for the third reading.

Bill No. 38 was then ordered to be engrossed.

Mr. Whiton moved the re-consideration of the vote taken on yesterday, by which the House refused to order bill No.

35 to be engrossed, entitled "A bill to amend an act to incorporate the Dodgeville mining company."

And the ayes and noes being called for, were as follows:

Ayes.—Messrs. Blackstone, Beardsley, Billings, Baldwin, Bracken, Brunson, Childs, Conroe, Churchill, Hoyt, Jenkins, Newman, Skinner, Story, Stevens, Sutherland, Whiton, and Barber, speaker.—18.

Noes.—Messrs. Cruson, Dewey, McGregor, and Shew.—4.

So the vote on the said bill was reconsidered.

The bill was then considered and on the question "Shall the bill be engrossed and read the third time?" the ayes and noes were as follows:

Ayes.—Messrs. Blackstone, Beardsley, Billings, Baldwin, Bracken, Childs, Conroe, Churchill, Cruson, Hoyt, Jenkins, Skinner, Story, Sutherland, Whiton, and Barber, speaker.—16.

Noes.—Messrs. Brunson, Carver, Dewey, McGregor, Newman, Shew, and Stevens.—7.

So the bill was ordered to be engrossed.

Bill No. 67, "A bill to incorporate the union mining company," was reported by Mr. Childs to be correctly engrossed, which was then announced for the third reading.

A call of the House was ordered, ayes 13, noes 10.

A call of the House was made and the absent members sent for.

The absent members having appeared, the said bill was read the third time, aud on the question "Shall the bill pass?" the ayes and noes were called for, and were as follows:

Ayes.—Messrs. Blackstone, Beardsley, Billings, Baldwin, Bracken, Childs, Churchill, Hoyt, Jenkins, Skinner, Story, Sutherland, Whiton, and Barber, speaker.—14.

Noes.—Messrs. Brunson, Cruson, Carver, Dewey, McGregor, Newman, Sholes, Shackelford, Shew, Stevens, and Street. —11.

So the bill passed and the title was agreed to.

Ordered, That the Council be requested to concur in the said bill.

Mr. Childs presented the account of A. A. Bird, for wood furnished the Legislative Assembly.

Referred to the committee on claims.

Mr. Story, agreeably to notice, moved to amend the thirty-seventh standing rule of this House by adding thereto the words following: "but no motion for a call of the ayes and noes shall be put, unless seconded by some other than the mover."

And the ayes and noes being called on agreeing to the motion, were as follows:

Ayes.—Messrs. Beardsley, Billings, Baldwin, Brunson, Childs, Conroe, Carver, Hoyt, Jenkins, Skinner, Story, Street, Whiton, and Barber, speaker.—14.

Noes.—Messrs. Churchill, Cruson, Dewey, McGregor, Sholes, Shackelford, Shew, and Stevens.—9.

So the amendment was adopted.

Mr. Whiton, from the committee of conference, made the following report on the subject therein mentioned:

"The committee of conference appointed on the part of this House on the disagreeing vote of the two Houses relative to bills Nos. 35 and 44 (C. F.) report, that they met the committee appointed on the part of the Hon. Council, and after consultation, the said committee appointed on the part of the Hon. Council agreed to recommend to the Council to recede from their vote to said bills.

The report was adopted and the committee discharged.

Ordered, That the Council be acquainted therewith.

Bill No. 31, (H. R. F.,) returned from the Council with amendments, was taken up and considered, entitled "A bill to establish the rate of toll for grinding."

The House disagreed to the first and second amendments and concurred in the third.

Ordered, That the Council be acquainted therewith.

On motion of Mr. Billings,

Leave of absence was granted to Mr. Jenkins until Monday next."

Bill No. 49, from the Council, entitled "A bill to provide for laying out and establishing several Territorial roads, therein named," was read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be requested to concur in the amendments made to said bill.

Mr. Street, from the committee to which bill No. 47 was referred, entitled "A bill concerning district surveyors," reported a substitute therefor, which was read the first and second time.

On motion of Mr. Shackelford.

The House went into committee of the whole, on bill No. 29, (C. F.) entitled "A bill concerning testimony and depositions," Mr. Childs in the chair.

After a long time the committee rose and reported the bill with amendments, which were agreed to.

On motion of Mr. Childs,

The House adjourned.

Friday, February 22, 1839.

Mr. Billings, from the committee on engrossed bills, reported bill No. 23 to be correctly engrossed, entitled

"A bill to incorporate the Milwaukee Manufacturing and Hydraulic Company."

Mr. Whiton, from the committee on the revision of the laws, reported bills of the following titles, which were read the first and second time, viz:

No. 72. "A bill to prevent the commission of crimes."

No. 73. "A bill to provide for appeals, new trials, and exceptions in criminal cases."

No. 74. "A bill to provide for the arrest and examination of offenders, commitment for trial, and taking of bail."

No. 75. "A bill to provide for the punishment of offences against chastity, morality, and decency."

Mr. Story, from the committee appointed to revise the laws, reported bill No. 76, entitled

"A bill requiring certain officers to reside at the county seat."

The said bill was read the first and second time, and the rule requiring it to be printed suspended.

Mr. Sholes gave notice that he did on to-day present to the Governor for his approval

"An act to provide for the punishment of offences against the public peace," and

"An act concerning apprentices and servants."

The undermentioned bills and resolution from the Council were read the first and second time, viz:

No. 11. "Joint resolution relative to preparing for publication the statute laws of the Territory."

No. 26. "A bill for the organization of the county of Jefferson."

No. 23. "A bill defining the rights and duties of landlords and tenants."

No. 50. "A bill for the relief of persons confined in jail on civil process," and

No. 55. "A bill concerning notaries public."

Engrossed bill No. 23, entitled "A bill to incorporate the Milwaukee Manufacturing and Hydraulic Company," was read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be requested to concur therein.

On motion of Mr. Dewey,

Bill No. 29, "entitled "A bill concerning testimony and depositions," was made the order of the day for Monday next.

On motion of Mr. Shackelford,

The House considered the following bills from the Council, in the committee of the whole, Mr. Billings in the chair, entitled

No. 51. "A bill concerning clerks of courts."

No. 52. "A bill concerning seals."

No. 56. "A bill to incorporate the Platteville Academy in the county of Grant."

No. 60. "A bill to incorporate the Jefferson Institute."

After some time the committee reported bills 51, 56, and 60 with amendments, which were agreed to, and bill 52 without amendment.

The said bills were then severally ordered to a third reading, and were severally read the third time, passed, and the titles thereof agreed to.

Ordered, That the Council be requested to concur in the amendments to bills 51, 56 and 60.

Mr. Sholes, from the committee of conference to which the subject was referred, made the following report, which was adopted, and the committee discharged.

"The committee of conference, appointed on the part of this House, in relation the to disagreeing vote of the two Houses on the "Resolution relative to termination of the present session," beg leave to report, that they have conferred with the committee on the part of the Council, which committee has agreed to recommend to that body to recede from their disagreement; and the committee, jointly, beg leave to propose the following amendment to be inserted at the close of the resolution:

"The annual session thereafter shall commence on the first Monday of December in each year."

The Secretary of the Council being introduced delivered the following message:

"Mr. Speaker:—The Council have passed bill No. 61, entitled "A bill declaring the Menomonee river navigable, and for other purposes," and have concurred in bill No. 26, of this House, entitled "A bill to provide for the inspection of certain articles therein named," with amendments thereto; in which bill and amendments I am directed to request the concurrence of this House.

"The Council have adopted the report of the joint committee of conference in relation to the disagreeing vote of the two Houses, on bills No. 38, "A bill to provide for the appointment of a Territorial Treasurer, and to define his duties," and No. 44, "A bill relating to the office and duties of the Auditor of the Territory of Wisconsin;" and have concurred in all the amendments made to bill No. 7, entitled "A bill to incorporate the Wisconsin Marine and Fire Insurance Company," except the fourth, viz: to add a new section to be called section 10, in which they have refused to concur.

"The Governor has notified the Council, that he did, on this day, examine and approve the following:

"An act concerning the writ of habeas corpus."

"An act to incorporate the Southport Academy, in the county of Racine."

And then he withdrew.

On motion of Mr. Shackelford,

The rule requiring the printed copy of bills of a general nature to lie on the desks of members two days before being considered in the committee of the whole, was suspended with reference to the following bills of this House, viz:

No. 39. "A bill to provide for the punishment of offences against public justice."

Mo. 52. "A bill to provide for the appointment of agents to demand fugitives from justice, and for issuing search warrants."

No. 53. "A bill relating to taverns and groceries."

The House then considered the said several bills in the committee of the whole, Mr. Street in the chair.

After some time the committee reported the progress made therein, and asked leave to sit again this afternoon.

On motion of Mr. Shew,

The House adjourned until 3 o'clock P. M.

3 O'CLOCK P. M.

The House resumed the consideration of bills Nos. 39, 52, and 53, and resolved itself into the committee of the whole, on said bills, Mr. Shackelford in the chair.

After some time the committee rose and reported the bills to the House with amendments.

The report of the committee was agreed to, and bills Nos. 39 and 52 were ordered to be engrossed for the third reading.

Bill No. 53 was referred to the following select committee, viz: Messrs. Cruson, Childs and Shew.

Message from the Council by the Secretary.

"Mr. Speaker:—The Council have requested a second conference in relation to the disagreeing vote of the two Houses on resolution No. 9, relative to the termination of the present session, and have appointed Messrs. Strong and Martin on their part relative thereto."

And then he withdrew.

Mr. Childs gave notice that he should on a future day ask leave to introduce a bill to divide the several counties in this Territory.

The House took up bill No. 7, entitled "A bill to incorporate the Wisconsin Marine and Fire Insurance Company," and insisted on their fourth amendment, in which the Council refused to concur, and Messrs. Carver and Street were appointed a committee of conference thereon.

Ordered, That the Council be acquainted therewith.

Bill No. 26, entitled "A bill to provide for the inspection of certain articles therein named," returned from the Council with amendments, was taken up and the amendments considered.

The House refused to concur in the amendments.

Ordered, That the Council be acquainted therewith.

On motion of Mr. Sholes,

The House re-considered the vote taken this morning adopting the report of the committee of conference relating to resolution No. 9, relative to the termination of the present session.

Messrs. Shackelford and Dewey were appointed a second committee of conference in relation to the disagreement of the two Houses on the said resolution.

On motion of Mr. Sholes,

Leave of absence was granted to Mr. Childs until to-morrow.

On motion of Mr. Shackelford,

The House resolved itself into the committee of the whole, Mr. McGregor in the chair, having bills of this House under consideration of the following titles:

No. 50. "A bill making general provisions concerning crimes and punishments."

No. 61. "A bill to provide for a Territorial revenue."

After some time the committee reported bill No. 50 with, and No. 61 without amendments.

The report of the committee was agreed to, and the bills severally ordered to be engrossed for the third reading.

On motion of Mr. Sholes,

Bill No. 47, from the Council, entitled "A bill to provide for and regulate general elections," was ordered to a third reading, and was read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be requested to concur in the amendments made to said bill.

Bill No. 61, (C. F.) entitled "A bill declaring the Menomonee river navigable, and for other purposes," was read the first and second time.

On motion of Mr. Shew,

The House adjourned.

SATURDAY, FEBRUARY 23, 1839.

Mr. Sholes, from the committee on enrolled bills, reported to be correctly enrolled

"An act concerning seals."

The Speaker signed the said act and ordered it to be presented to the President of the Council for his signature.

The Speaker laid before the House a message from the Governor, notifying the House that he did on this day examine and approve the following acts, viz:

"An act concerning apprentices and servants."

"An act to provide for the punishment of offences against the public peace."

On motion of Mr. Sholes,

The House resolved itself into the committee of the whole, Mr. Whiton in the chair, for the consideration of the following bills and memorial from the Council, viz:

No. 3. "Memorial for an appropriation for the removal of the bar in Grant and Platte rivers, and for other purposes."

No. 43. "A bill to authorize Charles F. H. Goodhue and James Rogan to erect a dam on Rock river, and for other purposes," and

No. 54. "A bill to divide the town of Delevan, and for other purposes."

After some time the committee rose and by their chairman reported the memorial and bills No. 43 with, and 54 without amendment.

The report of the committee was agreed to, and the said memorial and bills were ordered to a third reading, and were severally read the third time, passed, and the titles thereof agreed to.

Ordered, That the Council be acquainted therewith, and requested to concur in the amendments to the said memorial and bill No. 43.

The Secretary of the Council being introduced delivered the following message:

"Mr. Speaker:—The Council have concurred in bill No. 36, of this House, entitled "A bill to provide for the payment of certain expenses of the Legislative Assembly of the Territory," with amendments, in which I am directed to ask the concurrence of this House."

And then he withdrew.

Mr. Bracken gave notice that on some future day he would ask leave to introduce "A bill to provide for levying a tax on land."

On motion of Mr. Street,

The House resolved itself into the committee of the whole, Mr. Skinner in the chair, on resolutions from the Council of the following titles:

No. 8. "Resolution authorizing and requiring the Attorney General to institute a suit against the Bank of Wisconsin," No. 11, "Joint resolution relative to preparing for publication the statute laws of the Territory."

After some time the committee rose and by their chairman reported resolution No. 11 with an amendment, and asked leave to sit again on Tuesday next on resolution No. 8.

The report of the committee was agreed to, and leave was granted.

Resolution No. 11 was ordered to the third reading, and was read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be requested to concur in the amendment thereto.

Mr. Baldwin, from the committee to which the bill relating to the Bank of Wisconsin was referred, reported that the committee was unable to agree on a report, and he therefore moved that five other members be added to the said committee, one from each election district not represented in the committee.

The motion was agreed to, and the Speaker appointed Messrs. Shew, Stevens, Whiton, Sutherland and Brunson, additional members of the said committee.

Mr. Childs, from the committee to which bill No. 24, was referred, entitled "A bill to organize the county of Dane," reported the same back to the House with amendments; which bill was read the second time.

On motion of Mr. Sutherland,

The House resolved itself into the committee of the whole on said bill No. 24, and bill No. 76, entitled "A bill requiring certain officers to reside at the county seat," Mr. Churchill in the chair.

After some time the committee rose and by their chairman reported the said bills with amendments.

The amendments to bill No. 24 were concurred in.

Bill No. 76 was laid on the table.

On motion of Mr. Sholes,

The House adjourned.

MONDAY, FEBRUARY 25, 1839.

Mr. Story, from the committee appointed to revise the laws, introduced the following bills, which were read the first and second time, and the rule requiring bills to be printed on being read the second time, was suspended in reference to them, viz:

No. 77. "A bill for assessing and collecting county revenue, and

No. 78. "A bill to provide for opening and repairing or vacating public roads and highways.

Mr. Dewey, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 37. "A bill respecting judgments in criminal cases, and the execution thereof."

No. 39. "A bill to provide for the punishment of offences against the public health."

No. 45. "A bill to define the general powers of counties, and for other purposes."

No. 50. "A bill making general provisions concerning crimes and punishments."

No. 52. "A bill to provide for the appointment of agents to demand fugitives from justice, and for issuing search warrants."

No. 54. "A bill concerning justices of the peace."

No. 61. "A bill to provide for a Territorial revenue."

The Speaker announced the said several bills ready for the third reading, which were severally read the third time, passed and the titles thereof agreed to.

Ordered, That the Council be requested to concur therein.

Bill No. 24, entitled "A bill to organize the county of Dane," was ordered to be engrossed for a third reading.

Bill No. 36, entitled "A bill to provide for the payment of certain expenses of the Legislative Assembly of the Territory," returned from the Council with amendments, was taken up and the amendments concurred in.

Ordered, That the Council be informed thereof.

Bill No. 29, (C. F.) entitled "A bill concerning testimony and depositions," being the order of the day was considered.

Mr. Shew moved to amend the bill by striking out the 57th section which required the parties to a suit to testify in certain cases.

A motion was then made to amend the amendment by striking out the latter clause of the section, which allowed the plaintiff to testify if the defendant should refuse to be sworn.

And the question being taken on the amendment to the amendment, was decided in the negative.

The question was then put on the amendment, and lost.

Mr. Shew offered the following amendment:

Add to the fifty-seventh section the words following:

"Provided, that nothing contained in the foregoing section shall be so construed as to compel either party to testify, unless the same fact cannot be proved by any other person."

The amendment was not adopted.

Mr. Whiton moved the following amendment, which was agreed to:

Strike out in the 57th section, the words following, "as he may subpœna him to attend as such witness, and the person so subpœnaed shall be subject to all the liabilities for not attending, or for refusing to be sworn, or to testify, that other witnesses properly subpœnaed are subject to."

The bill was ordered to a third reading, and was read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be requested to concur in the amendments to said bill.

Bill No. 76, entitled "A bill requiring certain officers to reside at the county seat," was taken up, and the amendments made in the committee of the whole were agreed to.

The bill was then ordered to be engrossed for a third reading.

Mr. Dewey, from the committee on engrossed bills, reported bill No. 24, entitled "A bill to organize the county of Dane," to be correctly engrossed.

Mr. Childs, from the same committee, reported the following to be correctly engrossed, viz:

No. 43. "A bill concerning bills of exchange and promissory notes."

No. 57. "A bill respecting marks and brands for horses, cattle, sheep, and hogs," and

No. 58. "A bill to provide for the relief of the poor."

The Speaker announced the said several bills for the third reading, and they were severally read the third time, passed, and titles agreed to.

Ordered, That the Council be requested to concur therein.

The Secretary of the Council being introduced, delivered the following message:

Mr. Speaker:—The Council have passed bills as follows, in which they request the concurrence of this House, viz:

No. 42. "A bill concerning the action of ejectment."

No. 61. "A bill concerning the appointment of public administrators, and their duties."

"The Governor has notified the Council that he did on the 23d inst. examine and approve 'An act concerning the tenure of real property, the persons capable of holding and conveying, and the manner of transmitting the title thereto,' and that on this day he did examine and approve 'An act concerning seals.'"

And then he withdrew.

On motion of Mr. Shew,

The House resolved itself into the committee of the whole on bills of the following titles, Mr. Sholes in the chair, viz:

No. 56. "A bill to prescribe the tenure of office of auctioneers, and to levy a duty upon sales at auction in certain cases."

No. 68. "A bill to restrain hawkers and pedlars from selling without license."

No. 60. "A bill to provide for the election of Registers of Deeds, and to define their duties and powers."

After some time the committee rose and reported the bills with amendments.

On motion of Mr. Dewey,

The House adjourned until 3 o'clock P. M.

3 O'CLOCK P. M.

Mr. Baldwin, from the select committee to which bill No. 65 was referred, entitled "A bill relative to the Bank of Wisconsin, and requiring its officers to close and settle its affairs," reported the same back to the House with amendments, which was read the second time.

The House resumed the consideration of bills, 56, 60, and 68, and the amendments reported by the committee of the whole were agreed to.

On motion of Mr. Skinner,

The following section was added to bill No. 56.

Sec. 22. "Any person being at the time a resident of the Territory, may sell his own property, personal or real, at auction or in any other way, the same being his household goods, or any product or manufacture of this Territory, without being in any manner affected by or subject to any of the preceding provisions of this act."

Mr. Street moved to add the following words to section 22, "excepting spiritous liquors."

Which was disagreed to, ayes 7, noes 7.

The bill was then ordered to be engrossed for a third reading.

Mr. Story offered the following amendment to bill No. 60, which was adopted, viz:

In section 2, line 2, strike out the words "thereafter annually whenever," and insert "every second year thereafter, unless," and insert in 3d line, after the word "shall" the word "sooner."

The said bill and bill No. 68, were ordered to be engrossed for the third reading.

On motion of Mr. Street,

The House resolved itself into the committee of the whole on bill No. 55, entitled "A bill relating to the Bank of Wisconsin, and requiring its officers to close and settle its affairs," Mr. Shew in the chair.

After a short time the committee rose and reported the progress made therein, and asked leave to sit again on to-morrow.

Leave was granted.

Mr. Childs by leave presented the accounts of Elliott & Hill, and John Catlin & Co., which were referred to the committee on claims.

Mr. Shackelford, from the committee of conference to joint which the subject was referred, made the following report:

The committee of conference to which was referred the disagreeing vote of the two Houses, upon resolution No. 9, "A resolution relative to the termination of the present session," report that in their opinion, all that part of the resolution after the word "next," which first occurs in the 6th line, should be stricken out.

The report was adopted and the committee discharged.

Ordered, That the Council be acquainted therewith.

On motion of Mr. Billings,

The House resolved itself into the committee of the whole, Mr. Shackelford in the chair, for the consideration of bills from the Council of the following titles, viz:

No. 26. "A bill for the organization of the county of Jefferson."

No. 33. "A bill defining the rights and duties of landlords and tenants."

After a short time the committee reported the bills without amendment.

Bill No. 33 was ordered to lie on the table until to-morrow.

Bill No. 26 was ordered to a third reading, and was read the third time, passed, and the title agreed to.

Ordered, That the Council be acquainted therewith.

On motion of Mr. Childs,

The House went into the committee of the whole, on the following bills from the Council, Mr. Dewey in the chair; viz:

No. 50. "A bill for the relief of persons confined in jail on civil process."

No. 55. "A bill concerning notaries public," and

No. 61. "A bill declaring the Menomonee river navigable, and for other purposes."

After some time the committee rose and reported Nos. 50 and 55 without, and No. 61 with amendments.

Bill No. 61 was indefinitely postponed.

Ordered, That the Council be acquainted therewith.

Bills No. 50 and 55 were laid on the table until to-morrow.

Mr. Sutherland gave notice that on some future day he should ask leave to introduce a bill to provide for holding courts in counties where there is no court house and for other purposes."

Mr. Bracken by leave introduced bill No. 79, entitled "A bill for levying tax upon lands," which was read the first and second time.

The following bills from the Council were read the first and second time, viz:

No. 42. "A bill concerning the action of ejectment."

No. 66. "A bill concerning the appointment of public administrators and their duties."

On motion of Mr. Billings,

The House went into the committee of the whole on bill No. 78, entitled "A bill to provide for opening and repairing or vacating public roads and highways," Mr. Brunson in the chair.

After some time the committee rose and reported the progress made therein, and asked leave to sit again.

Leave was granted.

Mr. Childs presented the accounts of E. McSherry and P. B. Grignon, which were referred to the committee on claims.

On motion of Mr. Shew,

The House adjourned.

TUESDAY, FEBRUARY 26, 1839.

Mr. Bracken presented the petition of inhabitants of Green county, concerning the location of the county seat of said county.

Referred to a select committee of one from each election district, viz:

Messrs. Bracken, Shackelford, Skinner, Hoyt, Whiton, Sutherland, Cruson, and McGregor.

Mr. Childs, from the committee on engrossed bills, reported the undermentioned to be correctly eugrossed, viz:

No. 46. "A bill to provide for the election of county Treasurers and to define their duties and powers."

No. 48. "A bill to provide for recording town plots," and

No. 62. "A bill to regulate ferries."

The Speaker then announced the said bills ready for the third reading, which were severally read the third time, passed and the titles thereof agreed to.

Ordered, That the Council be requested to concur therein.

Mr. Blackstone, from the committee on internal improvement to which was referred the petition of Albert G. Ellis and others, introduced bill No. 80, "A bill to authorize Albert G. Ellis and others to erect a dam on Rock river, and for other purposes."

The House then proceeded to the special order of the day, and

On motion of Mr. Carver,

The House resolved itself into the committee of the whole Mr. Story in the chair, for the consideration of the following bill and resolution, viz:

No. 8. (C. F.) "Resolution authorizing and requiring the Attorney General to institute a suit against the Bank of Wisconsin," and

No. 35, (H. R. F.) "A bill relative to the bank of Wisconsin, and requiring its officers to close and settle its affairs."

After a long time the committee rose and by their chairman reported the progress made therein, and asked leave to sit again this afternoon.

Leave was granted.

On motion of Mr. Shew,

The House adjourned until 2 o'clock P. M.

2 O'CLOCK P. M.

Mr. Hoyt, from the select committee to which several petitions were referred, reported the following bills, which were read the first and second time, viz:

No. 81, "A bill to permit the building of a dam across the Fox river."

No. 82. "A bill to prevent certain animals from running at large," and

No. 83, "A bill concerning fences and fence viewers."

Mr. Shew by leave introduced bill No. 84, entitled "A bill to amend an act entitled an act to authorize Thomas P. Burnett and Alexander McGregor to establish a ferry across the Mississippi river, and for other purposes," which was read the first and second time.

Mr. Street by leave introduced bill No. 85, entitled "A bill to provide for the preservation of the public health," which was read the first and second time.

On motion of Mr. Whiton,

Leave of absence was granted to Messrs. Hoyt, Newman, and Stevens for the remainder of the session after Thursday next.

On motion of Mr. Carver,

Resolution No. 8, entitled "Resolution authorizing and requiring the Attorney General to institute a suit against the bank of Wisconsin," and bill No. 55, "A bill relating to the bank of Wisconsin, and requiring its officers to close and settle its affairs," were considered in the committee of the whole, Mr. Sutherland in the chair.

After a short time the committee rose and reported the resolution without, and the bill with an amendment.

The report was agreed to.

Mr. Street moved that the resolution be laid on the table, and the ayes and noes being called for, were as follows:

Ayes.—Messrs. Blackstone, Brunson, Conroe, Cruson, Carver, Dewey, Jenkins, McGregor, Newman, Shew, Stevens, Sutherland, Street, Whiton and Barber, speaker.—15.

Noes.—Messrs. Beardsley, Billings, Baldwin, Childs, Churchill, Hoyt, Sholes, Shackelford, Skinner, and Story.—10.

On motion of Mr. Whiton,

Bill No. 55 was laid on the table until to-morrow.

Bill No. 33, entitled "A bill defining the rights and duties of landlords and tenants," was taken up and amended on motion of Mr. Childs, by striking out "25 per cent," in the fifth section, and inserting "10 per cent," and by striking out the sixth section.

The said bill was then, on motion of Mr. Dewey, indefinitely postponed.

Ordered, That the Council be acquainted therewith.

Mr. Sholes, from the committee on enrolled bills, reported the following to be correctly enrolled, viz:

"An act to provide for the appointment of a Territorial treasurer and to define his duties."

"An act relative to the office and duties of the auditor of the Territory of Wisconsin."

"An act concerning insolvent debtors."

"Memorial for the relief of the Brothertown Indians."

The Speaker signed the said acts and memorial, and ordered them to be presented to the President of the Council for his signature.

The following message was received from the Council by the Secretary thereof:

"Mr. Speaker:—The Council have concurred in the report of the joint committee of conference in relation to the disagreeing vote of the two Houses on resolution No. 9, entitled "Resolution relative the termination of the present session," and in the amendments of this House to bills and a memorial as follows:

No. 29. "A bill concerning testimony and depositions."

"No. 47. "A bill to provide for and regulate general elections."

No. 51. "A bill concerning clerks of courts."

No. 53. "A bill to incorporate the Platteville Academy in the county of Grant."

No. 60. "A bill to incorporate the Jefferson Institute" and

No. 3. "Memorial for an appropriation for the removal of the bar in Grant and Platte rivers, and for other purposes." And have amended the second amendment of bill No. 47, in which they ask the concurrence of this House.

"And have receded from their disagreeing vote to the fourth amendment of this House to bill No. 7, "entitled "A bill to incorporate the Wisconsin Marine and Fire Insurance company;" and also from their amendment to bill No. 26, of this House, entitled "A bill to provide for the inspection of certain articles therein named;" have refused to concur in the amendments of this House to bill No. 43, "A bill to authorize Charles F. H. Goodhue and James Rogan to erect a dam on Rock river and for other purposes," and

No. 11. "Joint resolution relative to preparing for publication the statute laws of the Territory;" have insisted on their amendments to bill No. 31, of this House, entitled "A bill to establish the rate of toll for grinding," and have requested a conference thereon.

"Messrs. Maxwell and Roundtree have been appointed the committee of conference in relation to the disagreeing vote on said bill.

The Governor has notified the Council that he did on this day examine and approve "An act to provide for aiding in the construction of the Milwaukee and Rock river canal."

And then he withdrew.

Bill No. 50, from the Council, entitled "A bill for the relief of persons confined in jail on civil process," was on motion of Mr. Childs, referred to a select committee of three.

The Speaker appointed Messrs. Childs, Whiton, and Jenkins.

On motion of Mr. Dewey,

Bill No. 78, entitled "A bill to provide for opening and repairing or vacating public highways," was considered in committee of the whole, Mr. Carver in the chair, and was reported by the committee to the House with amendments.

The amendments were agreed to, and the bill on motion of Mr. Dewey, laid on the table until to-morrow.

Mr. Childs, from the committee on engrossed bills, reported bill No. 35, entitled "A bill to amend an act entitled an act to incorporate the Dodgeville Mining Company," to be correctly engrossed, which was read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be requested to concur therein.

On motion of Mr. Whiton,

Bill No. 59, entitled "A bill organizing a board of county commissioners in each of the counties in this Territory," was considered in the committee of the whole, Mr. Blackstone in the chair, and was after some time reported with amendments.

The amendments were agreed to, and the bill ordered to be engrossed for a third reading.

On motion of Mr. Dewey,

The House adjourned.

WEDNESDAY, FEBRUARY 27, 1839.

Mr. Childs presented the accounts of Moses M. Strong.

Referred to the committee on claims.

Mr. Childs, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 27. "A bill for the support and maintainance of illegetimate children."

No. 29. "A bill to prevent forcible entries and detainers."

No. 39. "A bill to provide for the punishment of offences against public justice."

No. 51. "A bill to provide for the trial of criminal cases."

No. 68. "A bill to restrain hawkers and pedlars from selling without license."

Mr. Whiton, from the committee appointed to revise the laws, reported bill No. 86, entitled "A bill to provide for the punishment of offences against public policy,"

Which was read the first and second time.

Mr. Sholes, from the committee on enrolled bills, reported the following to be correctly enrolled:

Which were signed by the Speaker, and ordered to be presented to the President of the Council for his signature, viz:

"An act to provide for the appointment of a librarian, and for other purposes."

"An act to divide the town of Delevan, and for other purposes."

"An act for the organization of the county of Jefferson," and

"Memorial for an appropriation for the removal of the bars in Grant and Platte rivers, and for other purposes."

Mr. Childs, from the select committee to which was referred bill No. 50 (C. F.) entitled "A bill for the relief of persons confined in jail on civil process," reported the same with amendments, which was read the second time.

Mr. Billings by leave introduced bill No. 87, entitled "A bill to incorporate the Gratiot's Grove Mining Company."

Which was read the first and second time.

The Secretary of the Council being introduced, delivered the following message:

Mr. Speaker:—The Council have concurred in all the amendments of this House to bill No. 19, "A bill to provide for laying out and establishing several Territorial roads therein named," in the fifth and eighth with amendments, in which I am directed to ask the concurrence of this House."

And then he withdrew.

The House proceeded to consider the messages on the table, and.

On motion of Mr. Carver,

Messrs. Skinner and Beardsley were appointed a committee of conference on the disagreeing vote of the two Houses on bill No. 31, entitled "A bill to establish the rate of toll for grinding."

Ordered, That the Council be informed thereof.

The House insisted on their amendment to resolution No. 11, entitled "Joint resolution relative to preparing for publication the statute laws of the Territory," and appointed Messrs. Street and Brunson a committee of conference thereon.

The House also insisted on their amendment to bill No. 43, entitled "A bill to authorize Charles F. H. Goodhue and James Rogan to erect a dam on Rock river, and for other purposes," and appointed Messrs. Skinner and Childs a committee of conference thereon.

Ordered, That the Council be informed thereof, and that a committee of conference be requested.

The House concurred in the amendments of the Council to the amendments of this House to the following bills, viz:

No. 47. "A bill to provide for and regulate general elections," and

No. 49. "A bill to provide for laying out and establishing several Territorial roads therein named."

Ordered, That the Council be acquainted therewith.

Engrossed bills were read the third time, passed, and the titles thereof agreed to, as follows:

No. 27. "A bill for the support and maintainance of illegetimate children."

No. 39. "A bill to provide for the punishment of offences against public justice."

No. 29. "A bill to prevent forcible entries and detainers."

No. 35. "A bill to amend an act entitled an act to incorporate the Dodgeville Mining Company."

No. 51. "A bill to provide for the trial of criminal cases."

No. 68. "A bill to restrain hawkers and pedlars from selling without license."

Ordered, That the Council be requested to concur in the said several bills.

The special orders of the day were then considered.

Bill No. 78, entitled "A bill to provide for opening and repairing or vacating public roads and highways," was amended on motion of Mr. Story by adding the 68th section to the bill, and was ordered to be engrossed.

Bill No. 55, entitled "A bill relating to the bank of Wisconsin and requiring its officers to close and settle its affairs," was considered, and the question being "shall the bill be engrossed?" The ayes and noes were called for and were as follows:

Ayes.—Messrs. Beardsley, Baldwin, Bracken, Brunson, Conroe, Churchill, Cruson, Carver, Dewey, Jenkins, McGregor, Newman, Shew, Stevens, Sutherland, Street, Whiton, and Barber, speaker.—18.

Noes.—Messrs. Childs, Hoyt, Sholes, Shackelford, Skinner, and Story.—6.

Bill No. 55, (C. F.) "A bill concerning notaries public," was ordered to a third reading, and was read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be informed thereof.

Mr. Street, from the committee on enrolled bills, reported the following to be correctly enrolled:

Which were signed by the Speaker, and ordered to be presented to the President of the Council for his signature, viz:

"An act concerning bail."

"An act to incorporate the Wisconsin Marine and Fire Insurance Company," and

"An act concerning the clerks of courts."

On motion of Mr. Story,

The House resolved itself into the committee of the whole Mr. Jenkins in the chair, for the consideration of the following bills, viz:

No. 80. "A bill to authorize Albert G. Ellis and others to erect a dam on Rock river, and for other purposes."

No. 81. "A bill to permit the building of a dam across the Fox river."

After some time the committee rose and by their chairman reported the said bills with amendments, which were agreed to.

On motion of Mr. Street,

The House adjourned until 3 o'clock P. M.

3 O'CLOCK P. M.

The Speaker laid before the House reports from the Auditor and Treasurer of the Territory, which were read and laid on the table. (See Appendix, document B.)

The undermentioned bills were ordered to be engrossed for the third reading, viz:

No. 80. "A bill to authorize Albert G. Ellis and others to erect a dam on Rock river, and for other purposes."

No. 81. "A bill to permit the building of a dam across the Fox river."

On motion of Mr. Shew,

Bill No. 77, entitled "A bill for assessing and collecting county revenue," was considered in the committee of the whole, Mr. Bracken in chair, and after some time was reported with amendments.

The bill was then laid on the table until to-morrow.

Mr. Sholes, from the committee on enrolled bills, reported the following to be correctly enrolled:

"An act to incorporate the Jefferson Institute"

"An act to incorporate the Platteville Academy in the county of Grant."

"An act concerning replevin."

The Speaker signed the said acts and ordered them to be presented to the President of the Council for his signature.

On motion of Mr. Shew,

Leave of absence was granted to Mr. McGregor until Monday next.

On motion of Mr. Dewey,

Bill No. 42, from the Council, entitled "A bill concerning the action of ejectment," was considered in the committee of the whole, and was reported without amendment.

The bill was then ordered to a third reading, was read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be acquainted therewith.

The following message was received from the Council by the Secretary thereof:

"Mr. Speaker:—The Council have passed bill No. 65, entitled "A bill to change the corporate limits and powers of the town of Green Bay," in which I am directed to request the concurrence of this House.

The Governor has notified the Council that he did on this day examine and approve the following:

"An act concerning insolvent debtors."

"An act to provide for the appointment of a Territorial treasurer and to define his duties."

"An act relative to the office and duties of the auditor of the Territory of Wisconsin."

"Memorial for the relief of the Brothertown Indians."

And then he withdrew.

On motion of Mr. Shackelford,

The House resolved itself into the committee of the whole on bill No. 50, (C. F.) entitled "A bill for the relief persons confined in jail on civil process," Mr. Whiton in the chair.

After some time the committee reported the bill to the House without amendment.

The bill was then ordered to a third reading, and was read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be requested to concur in the amendments made thereto.

On motion of Mr. Carver,

The House adjourned until 7 o'clock P. M.

7 O'CLOCK P. M.

On motion of Mr. Dewey,

A call of the House was made, and the absent members sent for.

Mr. Skinner, from the committee of conference to whom the subject was referred, made the following report:

The committee of conference appointed on the disagreeing vote of the two Houses on bill No. 31, entitled "A bill to establish the rate of toll for grinding," have agreed to recommend the adoption of all the amendments to the bill except the first, which was to strike out the county of Walworth, and from this amendment the committee on the part of the Hon. Council agreed to recommend to the Council to recede.

The report was adopted and the committee discharged.

Ordered, That the Council be acquainted therewith.

On motion of Mr. Shackelford,

The House went into the committee of the whole, on the following bills, Mr. Conroe in the chair, viz:

No. 47. "A bill concerning district surveyors."

No. 73. "A bill to provide for appeals, new trials, and exceptions in criminal cases."

No. 84. "A bill to amend an act entitled an act to authorize Thomas P. Burnett and Alexander McGregor to establish a ferry across the Mississippi river, and for other purposes."

After a short time the committee rose and reported the bills with amendments.

The amendments to bills Nos. 47 and 73 were agreed to, and the said bills were then ordered to be engrossed for the third reading.

Bill No. 81, on motion of Mr. Dewey, was indefinitely postponed.

Mr. Sholes, from the committee on enrolled bills, reported the following to be correctly enrolled, viz:

"An act concerning testimony and depositions."

The Speaker signed the said act and ordered it to be presented to the President of the Council for his signature.

On motion of Mr. Whiton, the following resolution was adopted:

Resolved, That the committees on enrolled and engrossed bills be and they are hereby authorized to employ as many additional clerks as they may think proper. Said additional clerks to be allowed such compensation as the Legislative Assembly shall direct.

The House considered bill No. 66, from the Council, entitled "A bill concerning the appointment of public administrators and their duties," in the committee of the whole, Mr. Dewey in the chair: and after some time the said bill was reported without amendment.

The bill was then ordered to a third reading, and was read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be informed thereof.

Bill No. 71, entitled "A bill to create a common school fund and for other purposes," was considered in the committee of the whole, Mr. Billings in the chair. And after a short time the committee reported the progress made in the bill, and asked leave to sit again on to-morrow.

Leave was granted.

A motion was then made to adjourn, which was disagreed to.

Mr. Shew moved that the House resolve itself into a committee of the whole on bill No. 72, entitled "A bill to prevent the commission of crimes:" and the ayes and noes being called for were as follows:

Ayes.—Messrs. Beardsley, Billings, Brunson, Childs, Conroe, Cruson, Dewey, Jenkins, Shew, Skinner, Story, Street, and Barber, speaker.—13.

Noes.—Messrs. Baldwin, Bracken, Churchill, Carver, Hoyt, Shackelford, and Sutherland.—7.

A motion was then made to adjourn, which was lost.

So the House went into the committee of the whole on said bill, Mr. Shew in the chair.

After some time the bill was reported with amendments, which were agreed to, and the bill ordered to be engrossed for the third reading.

Mr. Baldwin moved a call of the House, which was ordered.

A call was made and the absent members sent for.

Bill No. 65, (C. F.) entitled "A bill to change the corporate limits and powers of the town of Green Bay," was read the first and second time.

Mr. Childs, from the committee on engrossed bills, reported bill No. 76 to be correctly engrossed, entitled "A bill requiring certain officers to reside at the county seat."

Mr. Childs moved to adjourn, and the ayes and noes being called for were as follows:

Ayes.—Messrs. Beardsley, Childs, Carver, Dewey, Hoyt, Story, Stevens, Sutherland, and Barber, speaker.—9.

Noes.—Messrs. Baldwin, Brunson, Conroe, Churchill, Cruson, Jenkins, Shackelford, Shew, Skinner, and Street—10.

Mr. Dewey moved to adjourn until 9 o'clock A. M., and the ayes and noes being called for, were as follows:

Ayes.—Messrs. Beardsley, Carver, Dewey, Hoyt, Shackelford, Skinner, Sutherland, Street, and Barber, speaker.—9.

Noes.—Messrs. Baldwin, Bracken, Brunson, Conroe, Cruson, Jenkins, Shew, and Story.—8.

So the House adjourned until 9 o'clock A. M. on to-morrow.

Thursday, February 28, 1839.

Mr. Bracken, from the select committee to which the subject was referred, made the following report:

"The committee to whom was referred the petition of the citizens of Green county, on the subject of the location of the county seat, report: That the petition referred to them has not been sworn to and attested according to law, and that at the last session of the Legislature, a petition was presented from that county, much more numerously signed, praying the location of their county seat by commissioners, which prayer was granted by the Legislative enactment on the subject.

Therefore your committee deem it inexpedient at this late day of the session for the Legislature to take any farther action on the subject."

The report was adopted and the committee discharged.

Leave was granted to Mr. Bracken to withdraw the petition of the inhabitants of Green county.

Engrossed bill No. 76, entitled "A bill requiring certain officers to reside at the county seat," was read the third time, passed, and the title amended to read "A bill requiring certain officers to keep their offices at the county seat."

Ordered, That the Council be requested to concur in the said bill.

Bill No. 77 was taken up, entitled "A bill for assessing and collecting county revenue," and the amendments made thereto by the committee of the whole, were agreed to.

The bill was then laid on the table for the present.

Bill No. 71, entitled "A bill to create a common school fund and for other purposes," was considered in the committee of the whole, Mr. Street in the chair, and after some time was reported without amendment.

The bill was then, on motion of Mr. Shackelford, referred to the committee on schools.

Mr. Whiton, by leave, introduced bill No. 88, entitled "A bill to amend an act to organize Rock county, and for other purposes," which was read the first and second time, and considered in the committee of the whole, Mr. Cruson in the chair.

After some time the bill was reported without amendment, and by special order of the House was read the third time, passed, and title agreed to, all rules being suspended for that purpose.

Ordered, That the Council be requested to concur in said bill.

Mr. Dewey, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No 55. "A bill relating to the Bank of Wisconsin, and requiring its officers to close and settle its affairs," and

No. 56. "A bill to prescribe the tenure of office of auctioneers, and to levy a duty upon sales at auction in certain cases."

Mr. Dewey obtained the unanimous consent of the House to amend bill No. 55, by inserting the words "clerk of the board of" before the word "county," in the second section, third line, and in the same line by striking out "them" and inserting "him."

The said bills were then read the third time, passed, and the titles thereof agreed to.

Ordered, That the Council be requested to concur therein.

On motion of Mr. Sholes,

Bill No. 65, (C. F.) entitled "A bill to change the corporate limits and powers of the town of Green Bay," was considered in the committee of the whole, Mr. Baldwin in the chair.

After some time the committee reported the bill with amendments, which were agreed to.

The bill was then ordered to a third reading, and was then read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be requested to concur in the amendments to said bill.

Message from the Council by the Secretary:

"Mr. Speaker:—The Council have passed bills as follows:

No. 53. "A bill to incorporate the Pekatonica and Mississippi rail road company."

No. 37. "A bill to change the corporate limits and powers of the town of Milwaukee."

No. 64. "A bill further to amend the act to incorporate the Lafontaine rail road company."

And have concurred in bill No. 88, "A bill to amend an act entitled an act to organize Rock county, and for other purposes relating to the same," without amendment, and in No. 54, of this House, entitled "A bill concerning justices of the peace," with amendments thereto. In which bills and amendments I am directed to request the concurrence of this House.

"The Governor has notified the Council that he did on this day examine and approve the following, viz:

"An act to incorporate the Wisconsin Marine and Fire Insurance Company."

"An act to provide for the appointment of a librarian, and for other purposes."

"An act for the organization of the county of Jefferson,"

"An act to divide the town of Delevan, and for other purposes."

"An act concerning bail."

"An act concerning the clerks of courts."

"Memorial for an appropriation for the removal of the bars in Grant and Platte rivers, and for other purposes."

And then he withdrew.

Bill No. 54, entitled "A bill concerning justices of the peace," returned from the Council with sundry amendments, was taken up, and after some time spent in the consideration of the said amendments,

On motion of Mr. Conroe,

The House adjourned until 2 o'clock P. M.

2 O'CLOCK P. M.

Mr. Sholes, from the committee on enrolled bills, reported the following to be correctly enrolled, viz:

"An act to prevent fraudulent conveyances and contracts relative to real and personal property."

"An act to amend an act entitled an act to organize Rock county, and for other purposes relating to the same."

"An act to provide for the inspection of certain articles therein named."

The Speaker signed the said acts and ordered them to be presented to the President of the Council for his signature.

The House resumed the consideration of the amendments to bill No. 54, entitled "A bill concerning justices of the peace," and concurred in all except the following, viz:

Part of the 7th amendment, viz: strike out "does," and insert "and the damages do," and the tenth, twelfth, twenty-seventh, and thirty-fifth, amendments were disagreed to; the thirty-sixth and forty-second amendments were concurred in, with an amendment to each.

Ordered, That the Council be requested to concur in the amendments to the amendments.

The undermentioned bills from the Council were read the first and second time, viz:

No. 37. "A bill to change the corporate limits and powers of the town of Milwaukee."

No. 53. "A bill to incorporate the Pekatonica and Mississippi rail road company."

No. 64. "A bill further to amend the act to incorporate the Lafontaine rail road company."

Mr. Billings gave notice that on a future day he should ask leave to introduce a bill to repeal "An act entitled an act to incorporate the bank of Milwaukee."

Mr. Jenkins gave notice that he should on a future day, by leave, introduce a bill to restrain all associations, whether incorporated or unincorporated, from excessive banking privileges, unless otherwise provided by special legislative enactment.

On motion of Mr. Billings,

Bill No. 87, entitled "A bill to incorporate the Gratiot's Grove Mining company," was considered in the committee of the whole, Mr. Beardsley in the chair, and was after some time reported without amendment.

A motion was then made by Mr. Sholes, that the bill be indefinitely postponed, and pending the question thereon, a call of the House was made and the absent members sent for.

The absent members having appeared, the question of postponing the bill indefinitely was propounded, and the ayes and noes being called for were as follows:

Ayes.—Messrs. Brunson, Cruson, Carver, Dewey, Sholes, Shackelford, Shew, Story, and Street—9.

Noes.—Messrs. Blackstone, Beardsley, Billings, Baldwin, Bracken, Conroe, Churchill, Jenkins, Skinner, Sutherland, Whiton, and Barber, speaker.—12.

So the motion did not prevail.

The bill was then, on motion of Mr. Whiton, laid on the table.

On motion of Mr. Story,

Bill No. 77, entitled "A bill for assessing and collecting county revenue," was amended, and ordered to be engrossed for a third reading.

The House then considered the following bills from the Council in the committee of the whole, Mr. Skinner in the chair, viz:

No. 37. "A bill to change the corporate limits and powers of the town of Milwaukee."

No. 53. "A bill to incorporate the Pekatonica and Mississippi rail road company."

No. 64. "A bill further to amend the act to incorporate the Lafontaine rail road company."

After some time the committee reported bills 37 and 53 with, and 64 without, amendments.

The amendments to bill No. 37 were agreed to and the amendments to bill No. 52 were disagreed to.

On motion of Mr. Street, the following amendment was made to bill No. 53:

Strike out the 12th section and insert the following in lieu thereof:

"Said company shall commence the road within four years and complete the same within ten years, otherwise this charter shall be null and void."

Mr. Street moved further to amend the bill by inserting in the first section the name of "Elisha T. Hayward."

Mr. Bracken moved to amend the motion, by inserting the name of "Thomas Cruson," in place of Elisha T. Hayward; which prevailed.

The bill was further amended, on motion of Mr. Cruson, by striking out in the first section "Justus Deseelhorst," and inserting "Charles Bracken."

The said several bills were then ordered to a third reading on to-morrow.

Mr. Sholes informed the House that on to-day he presented to the Governor for his approval the following acts, viz:

"An act to prevent fraudulent conveyances and contracts relative to real and personal property."

"An act to organize Rock county, and for other purposes relating to the same."

"An act to provide for the inspection of certain articles therein named."

The Speaker laid before the House a message from the Governor, stating that on to-day he had approved "An act to amend an act entitled an act to organize Rock county, and for other purposes relating to the same."

Mr. Street by leave introduced a preamble and resolution No. 8, entitled "Preamble and resolution to vacate the charter of the Fox river Hydraulic Company."

Which was read the first and second time.

On motion of Mr. Baldwin,

The House adjourned until to-morrow at 9 o'clock A. M.

FRIDAY, MARCH 1, 1839.

Mr. Billings by leave introduced No. 9, entitled "Joint resolution relating to printing the laws and journals of the last and present session of the Legislative Assembly," which was read the first and second time.

Mr. Whiton from the committee on the revision of the laws, reported bill No. 89, entitled "A bill to provide for the election of Coroners, and defining their duties and powers."

Which was read the first and second time, and the rule requiring it to be printed, suspended.

Mr. Conroe from the committee on roads reported bill No. 90, entitled "A bill to provide for laying out a Territorial road from Prairie du Chien to Fort Winnebago, on the north side of the Wisconsin river," which was read a first and second time, and the rule requiring it to be printed, suspended.

Mr. Sholes from the joint committee on enrolled bills, reported "An act to provide for the payment of certain expenses of the Legislative Assembly of the Territory," to be correctly enrolled, which was signed by the Speaker and ordered to be presented to the President of the Council for his signature.

A message was received from the Governor, informing the

House, that he had on to-day approved the following acts, viz:

"An act to prevent fraudulent conveyances and contracts, relative to real and personal property."

"An act to provide for the inspection of certain articles therein named."

The following bills from the Council, were read the third time, passed, and the titles agreed to, viz:

No. 37, "A bill to change the corporate limits and powers of the town of Milwaukee."

No. 53, "A bill to incorporate the Pekatonica and Mississippi rail road company."

No. 64, "A bill further to amend the act to incorporate the La Fontaine rail road company."

On the passage of bill No. 53, the ayes and noes were called, and were as follows:

Ayes,—Messrs. Blackstone, Billings, Baldwin, Bracken, Brunson, Conroe, Sholes, Shackelford, Shew, Skinner, Story, Sutherland, Street, Whiton and Barber speaker,—15.

Noes,—Messrs. Beardsley, Cruson, Carver and Dewey,—4.

Ordered, that the Council be requested to concur in the amendments to bills 53 and 37.

Bill No. 87, entitled "A bill to incorporate the Gratiot Grove Mining company," was amended on motion of Mr. Whiton, and ordered to be engrossed for the third reading.

On motion of Mr. Blackstone,

The following bills were considered in the committee of the whole, Mr. Sholes in the chair, viz:

No. 74, "A bill to provide for the arrest and examination of offenders, commitment for trial and taking bail."

No. 75, "A bill to provide for the punishment of offences against chastity, morality and decency."

After some time the committee rose, and reported the bills with amendments, which were agreed to.

Bill 74, was ordered to be engrossed, and No. 75 was laid on the table for the present.

Mr. Childs by leave introduced bills of the following titles, which were read the first and second time, viz:

No. 91, "A bill relating to fisheries."

No. 92, "A bill to reorganize several counties therein named, and for other purposes."

Mr. Jenkins by leave introduced the following, which were read the first and second time, viz:

No. 93, "A bill to restrain unauthorized Banking, and for other purposes."

No. 10, "Preamble and resolutions to authorize William T. Sterling, to collect certain monies therein mentioned."

The rule requiring the said several bills to be printed, was suspended.

Mr. Childs from the committee on engrossed bills, reported No. 63, entitled "A bill relative to limited partnership" to be correctly engrossed.

Mr. Billings from same committee, reported bill No. 80, to be correctly engrossed, entitled "A bill to authorize Albert G. Ellis and others, to erect a dam on Rock river, and for other purposes."

Mr. Dewey from the same committee, reported the following to be correctly engrossed, viz:

No. 63, "A bill to establish certain towns, in the counties of Milwaukee, Brown, Racine and Walworth, and the counties thereunto attached, for judicial purposes," and

No. 81. "A bill to permit the building of a dam across the Fox river."

On motion of Mr. Whiton,

Bill No. 89. (H. R. file,) entitled "A bill to provide for the election of Coroners, and defining their duties and powers," was considered in the committee of the whole, Mr. Dewey in the chair, and was after some time reported with an amendment, which was agreed to.

The bill was then laid on the table for the present.

The House resolved itself into the committee of the whole, on the following bills, Mr. Shackelford in the chair, viz:

No. 70. "A bill to incorporate the Pekatonica navigation company."

No. 85. "A bill to provide for the preservation of the public health," and

No. 90. "A bill to provide for laying out a Territorial road, from Prairie du Chien to Fort Winnebago, on the north side of Wisconsin river."

After some time the committee rose, and reported bills, Nos. 70 and 85 with amendments, which were agreed to, and No. 90, without amendment.

The said bills were then severally ordered to be engrossed for a third reading.

Message from the Council by the Secretary thereof:

"Mr. Speaker,—The Council have passed bills as follows, in which they request the concurrence of this House:

"No. 75. A bill concerning executors, administrators and guardians;

"No. 62. A bill to establish common schools; and

"No. 63. A bill to prevent the distillation and importation of ardent spirits.

"And have concurred in bill No. 67 of this House, entitled "A bill to incorporate the Union Mining Company," and in the amendments of this House to bill No. 53, entitled "A bill to incorporate the Pekatonica and Mississippi Rail Road Company."

"The Council have disagreed to the amendments of this House to bill No. 65, entitled "A bill to change the corporate limits and powers of the town of Green Bay;" and the 3rd, 4th and 7th amendments to bill No. 37, entitled "A bill to change the corporate limits and powers of the town of Milwaukee;" have concurred in the remaining amendments to said bill No. 37, and in the amendments of this House to the 36th and 42nd amendments of the Council to bill No. 54 of this House entitled "A bill concerning justices of the peace," and have receded from the 7th, 10th, 12th, 27th and 35th amendments, to which this House had disagreed.

"Messrs. Brigham and Roundtree have been appointed the committee to confer with the committee appointed by this House in relation to the disagreeing vote on bill No. 42, entitled "A bill to authorize Charles T. H. Goodhue and James Rogan to erect a dam on Rock river and for other purposes;" and Messrs. Strong and Sterling, in relation to the disagreeing vote on resolution No. 11, "Joint resolution relative to preparing the statute laws of the Territory."

The Council have adopted the report of the joint committee of conference in relation to the disagreeing vote of the two Houses on bill No. 31, entitled "a bill to establish the rate of toll for grinding."

The Governor has notified the Council that he did on this day examine and approve the following:

An act concerning replevin;

An act to incorporate the Jefferson institute;

An act concerning testimony and depositions; and

An act to incorporate the Platteville academy in the county of Grant."

And then he withdrew.

On motion of Mr. Baldwin,

The House adjourned until 2 o'clock, P. M.

2 O'CLOCK P. M.

A call of the House was ordered, and the sergeant at arms sent after the absent members.

Engrossed bills were read the third time, passed and the title therefore agreed to as follows:

No. 63. "A bill to establish certain towns in the counties of Milwaukee, Brown, Racine and Walworth, and the counties thereunto attached for judicial purposes, and to provide for the election of certain officers therein."

No. 65. "A bill relating to limited partnership."

No. 80. "A bill to authorize Albert G. Ellis and others, to erect a dam on Rock river, and for other purposes."

No. 81. "A bill to permit the building of a dam across the Fox river."

Ordered, that the Council be requested to concur in said bills.

The undermentioned bills from the Council, were read the first and second time, viz:

No. 57. "A bill concerning executors, administrators and guardians."

No. 62. "A bill to establish common schools."

No. 63. "A bill to restrain the distillation and importation of ardent spirits."

Bill No. 37, entiled "A bill to change the corporate limits and powers of the town of Milwaukee," returned from the Council with non-concurrence in the 3d, 4th and 7th amendments, was taken up.

The House insisted on their third amendment, and receded from the fourth and seventh amendments, and Messrs. Story and Cruson were appointed a committee of conference thereon.

Ordered, that the Council be acquainted therewith.

Bill No. 65, entiled "A bill to change the corporate limits and powers of the town of Green Bay," returned from the Council with non-concurrence in the amendments thereto, was considered.

The House insisted on their amendments to said bill, and appointed Messrs. Shackelford and Baldwin, a committee of conference thereon.

Ordered, that the Clerk acquaint the Council therewith, and request a conference.

Bill No. 92, entitled "A bill to re-organize several counties therein named and for other purposes," was ordered to be printed.

Mr. Sholes, from the committee on enrolled bills, reported the following to be correctly enrolled, viz:

"An act concerning the writ of attachment."

"An act concerning notaries public."

The Speaker signed the said acts, and ordered them to be presented to the President of the Council for his signature.

On motion of Mr. Dewey,

Bill No. 57, from the Council, entitled "A bill concerning executors, administrators and guardians," was considered in the committee of the whole, Mr. Street in the chair, and after a short time, the committee reported the progress made in the bill, and asked leave to sit again.

Leave was granted.

The following bills from the Council were considered in the committee of the whole, Mr. Blackstone in the chair, viz:

No. 62. "A bill to establish common schools."

No. 63. "A bill to restrain the distilation and importation of ardent spirits."

After some time the said bills were reported with amendments, which were agreed to.

Bill No. 62, was laid on the table until to-morrow.

Bill No. 63 was indefinitely postponed.

The ayes and noes having been called, on postponing the bill, were as follows:

Ayes,—Messrs. Blackstone, Beardsley, Billings, Baldwin, Bracken, Childs, Churchill, Cruson, Carver, Dewey, Jenkins, Shew, Skinner, Story, Sutherland, Whiton and Barber, speaker,—17.

Noes,—Messrs. Brunson, Conroe, Sholes, Shackelford and Street,—5.

Mr. Billings from the committee on engrossed bills, reported bill No. 87, to be correctly engrossed, entitled, "A bill to incorporate the Gratiot Grove Mining company."

Mr. Billings by leave introduced bill No. 49, entitled "A bill to repeal an act, entitled an act to incorporate the Bank of Milwaukee," which was read the first and second time.

Mr. Shackelford moved that bill No. 41, entitled "A bill to incorporate the Mineral Point copper and lead, smelting and mining company," be taken up, and the ayes and noes being called for, were as follows:

Ayes,—Messrs. Blackstone, Beardsley, Billings, Baldwin, Bracken, Childs, Churchill, Cruson, Carver, Jenkins, Shackelford, Skinner and Barber speaker,—13.

Noes,—Messrs. Brunson, Conroe, Dewey, Sholes, Shew, Story, Sutherland, Street and Whiton,—9.

So the bill was taken up and considered.

Mr. Sholes offered as a substitute for section sixth, the following:

"This act may be amended, altered or repealed, at the pleasure of the Legislature."

Mr. Childs offered as an amendment to the substitute, the following, strike out all after the word "granted," in section 6, and insert, "provided that no repeal shall take effect, unless it shall appear to the Legislature, that this charter has been violated, and that notice has been given to some officer or member of the corporation."

Which was adopted.

Mr. Dewey offered the following amendment:

Strike out in section 2, the words "the copper and lead lands of the said John F. O'Neil, shall form a part of the said capital stock," and insert "shall be and are hereby appointed commissioners to receive subscriptions to the shares of the capital stock of the company hereby created, who shall distribute said stock upon principles of justice and equity."

And the ayes and noes being called on agreeing to the amendment, were as follows:

Ayes,—Messrs. Billings, Brunson, Conroe, Dewey, Sholes, Shew, Story and Street,—8.

Noes,—Messrs. Blackstone, Beardsley, Baldwin, Bracken, Childs, Churchill, Cruson, Carver, Shackelford, Skinner, Whiton and Barber speaker,—12.

So the amendment was not adopted.

The question of engrossing the bill for the third reading was then put, and the ayes and noes were as follows:

Ayes,—Messrs. Blackstone, Beardsley, Billings, Baldwin, Bracken, Childs, Churchill, Skinner, Story, Whiton and Barber, speaker,—11.

Noes.—Messrs. Brunson, Conroe, Cruson, Carver, Dewey, Sholes, Shackelford, Shew and Street,—9.

So the bill was ordered to be engrossed.

Bill 75, entitled "A bill to provide for the punishment of offences against chastity, morality and decency," was taken up, amended and ordered to be engrossed for the third reading.

Engrossed bill No. 87, entitled "a bill to incorporate the Gratiot's Grove Mining company," was read the third time, passed and the title thereof agreed to.

Ordered, that the Council be requested to concur in the said bill.

Mr. Cruson from the select committee to which bill No. 52 was referred, reported the same to the House with amendments.

Which bill was read the second time.

Mr. Bracken gave notice that on to-morrow he should by leave bring in a bill to incorporate the Mississippi Marine and Fire Insurance company.

On motion of Mr. ackelford,

The following bills and resolution were considered in the committee of the whole, Mr. Story in the chair.

No. 10. Preamble and resolution to authorise William T. Sterling to collect certain monies therein mentioned.

No. 91. A bill relating to fisheries.

No. 93. A bill to restrain unauthorised banking and for other purposes.

After some time the said bills and resolution were reported with amendments, which were agreed to.

Bill No. 91 was committed to a select committee of two, viz: Messrs. Whiton and Childs.

Bill No. 93 and resolution No. 10, were ordered to be engrossed for a third reading.

On motion of Mr. Dewey,

The House adjourned until 9 o'clock, A. M. on to-morrow.

SATURDAY, MARCH 2, 1839.

Mr. Beardsley presented a memorial from the Walworth county Temperance Society, relating to the distillation of ardent spirits.

Referred to a select committee consisting of one from each election district, viz:

Messrs. Childs, Story, Beardsley, Sutherland, Street, Baldwin, and Brunson.

Mr. Shackelford, from the committee on the revision of the laws, reported bill No. 95, entitled "A bill concerning corporations," which was read the first and second time.

Mr. Childs, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 41. "A bill to incorporate the Mineral Point copper and lead smelting and mining company."

No. 47. "A bill concerning district surveyors."

No. 73. "A bill to provide for appeals, new trials, and exceptions in criminal cases."

Mr. Sholes, from the committee on enrolled bills, reported that the act entitled "An act to provide for the payment of certain expenses of the Legislative Assembly," was presented to the Governor on yesterday for his approval.

Mr. Churchill, from the committee on claims to which sundry accounts had been referred, reported bill No. 96, entitled "A bill to provide for the compensation of the officers of the Legislative Assembly, and for other purposes."

Which was read the first and second time.

Mr. Skinner, from the committee to whom the subject was referred, made the following report:

The committee to whom was referred the subject of the disagreeing vote of the two Houses, on bill No. 43, report that they have agreed to recommend to the House of Representatives to recede from the first amendment, and to the Council to adopt the second amendment.

The report was laid on the table for the present.

A message was received from the Governor, informing the House that he did on to-day approve "An act to provide for the payment of certain expenses of the Legislative Assembly of the Territory."

Bill No. 41, engrossed for a third reading, entitled "A bill to incorporate the Mineral Point copper and lead smelting and mining company," was recommitted to the following select committee, viz: Messrs. Childs, Whiton and Baldwin.

Engrossed bills were read the third time, passed, and the titles thereof agreed to, as follows:

No. 47. "A bill concerning district surveyors."

No. 73. "A bill to provide for appeals, new trials, and exceptions in criminal cases."

Ordered, That the Council be requested to concur in the said bills.

On motion of Mr. Shackelford,

The House went into the committee of the whole on bill

No. 57, (C. F.) entitled "A bill concerning executors, administrators, and guardians," Mr. Brunson in the chair.

After some time the bill was reported without amendment, and was ordered to a third reading, which was read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be acquainted therewith.

Mr. Bracken presented the account of James Morrison.

Mr. Childs presented the accounts of John T. Wilson and Joseph Delore.

Referred to the committee on claims.

On motion of Mr. Dewey,

Bill No. 62, (C. F.) entitled "A bill concerning common schools," was taken up, and on motion of Mr. Street, several amendments were made.

The said bill was then ordered to a third reading, and was read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be requested to concur in the amendments to said bill.

Bill No. 89, (H. R. F.) entitled "A bill to provide for the election of Coroners, and defining their duties and powers," was amended, and ordered to be engrossed for the third reading.

On motion of Mr. Dewey,

The House went into the committee of the whole, on the following bills, Mr. Conroe in the chair, viz:

No. 53. "A bill relating to taverns and groceries,"

No. 66. "A bill concerning the lien of mechanics and others, for the costs of repairs and improvements on real estate."

No. 83. "A bill concerning fences and fence viewers."

No. 86. "A bill to provide for the punishment of offences against public policy."

After some time the committee rose, and reported the progress made therein, and asked leave to sit again.

Leave was granted.

Message from the Council by the Secretary.

"Mr. Speaker:—The Council have passed the following bills, viz:

No. 48. "A bill concerning proceedings in chancery," and

No. 41. "A bill concerning supreme and district courts."

"In which the concurrence of the House is requested.

The Council have concurred in bills of this House, viz:

No. 35. "A bill to amend an act entitled an act to incorporate the Dodgeville Mining Company."

No. 48. "A bill to provide for recording town plats."

No. 57. "A bill respecting marks and brands for horses, cattle, sheep, and hogs," and

No. 62. "A bill to regulate ferries."

"And have concurred in the following bills with amendments thereto, viz:

No. 23. "A bill to incorporate the Milwaukee Manufacturing and Hydraulic company."

No. 24. "A bill to organize the county of Dane."

No. 29. "A bill to prevent forcible entries and detainers."

No. 37. "A bill respecting judgments in criminal cases, and the execution thereof."

No. 38 "A bill to provide for the punishment of offences against the public health."

No. 39. "A bill to provide for the punishment of offences against public justice."

No. 43. "A bill concerning bills of exchange and promissory notes."

No. 50. "A bill making general provisions concerning crimes and punishments."

No. 61. "A bill to provide for a Territorial revenue," and

No. 76. "A bill requiring certain officers to keep their offices at the county seat."

"In which amendments the concurrence of this House is requested.

The Council have negatived bill

No. 68. "A bill to restrain hawkers and pedlars from selling without license."

Messrs. Wells and Irwin have been appointed the committee to confer with a committee appointed by this House, in relation to the disagreeing vote on bill No. 37, entitled "A bill to change the corporate limits and powers of the town of Milwaukee," and Messrs, Martin and Prentiss, in relation to the disagreeing vote on bill No. 65, entitled "A bill to change the corporate limits and powers of the town of Green Bay."

The Governor has notified the Council that he has this day examined and approved the following, viz:

"An act concerning notaries public," and

"An act concerning the writ of attachment."

And then he withdrew.

On motion of Mr. Carver,

The House adjourned until 3 o'clock P. M.

3 O'CLOCK P. M.

Mr. Childs, from the select committee to which the following bills were referred, reported the same back to the House with amendments, which bills were read the second time, viz:

No. 41. "A bill to incorporate the Mineral Point copper and lead smelting and mining company."

No. 91. "A bill regulating fisheries."

Mr. Sholes, from the committee on schools to which bill No. 71 was referred, entitled "A bill to create a common school fund, and for other purposes," reported the same back to the House without amendment.

The bill was then, on motion of Mr. Sholes, indefinitely postponed.

Mr. Dewey, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 10. "Preamble and resolutions to authorize William T. Sterling, to collect certain monies therein mentioned."

No. 78. "A bill to provide for opening and repairing or vacating public roads and highways."

No. 93. "A bill to restrain unauthorized banking, and for other purposes."

Mr. Sutherland presented the account of Simeon Mills, for transporting the mail from Madison to Milwaukee."

Referred to the committee on claims.

On motion of Mr. Street,

Resolved, That the chief clerk of this House be instructed to call on and request the Council to transmit to this House the report of the acting commissioner of the public buildings.

The Secretary of the Council being introduced delivered the following message:

"Mr. Speaker;—The Council have passed the following viz:

No. 58. "A bill to provide for the printing and distribution of the laws."

"In which the concurrence of this House is requested."

And then he withdrew.

Bills returned from the Council with amendments were considered, and the amendments concurred in as follows.

No. 23. "A bill to incorporate the Milwaukee manufacturing and Hydraulic company."

No. 29. "A bill to prevent forcible entries and detainers."

No. 43. "A bill concerning bills of exchange and promissory notes."

No. 61. "A bill to provide for a Territorial revenue."

The following bills were concurred in with amendments to the amendments, viz:

No. 37. "A bill respecting judgments in criminal cases, and the execution thereof."

No. 38. "A bill to provide for the punishment of offences against the public health."

No. 39. "A bill to provide for the punishment of offences against public justice."

The House concurred in the first amendment to the following bills, and disagreed to the second amendment, viz:

No. 50. "A bill making general provisions concerning crimes and punishments."

No. 76. "A bill requiring certain officers to keep their offices at the county seat."

Ordered, That the Council be acquainted therewith."

Bill No. 24, entitled "A bill to organize the county of Dane," returned from the Council with amendments, was considered and laid on the table for the present.

The House then resolved itself into the committee of the whole on the following bills, Mr. Sholes in the chair, viz:

No. 53. "A bill relating to taverns and groceries."

No. 66. "A bill concerning the lien of mechanics and others, for the costs of repairs and improvements on real estate."

No. 83. "A bill concerning fences and fence viewers."

No. 86. "A bill to provide for the punishment of offences against public policy."

After some time the committee rose and by their chairman reported the said bills with amendments, which were agreed to.

Bill No. 53, was amended, on motion of Mr. Sholes, by adding the following section:

"If any tavern keeper, grocer, or other person, shall sell to any Indian, any intoxicating liquors, he shall be subject to imprisonment in the county jail for a period not longer than one month, nor less than seven days, or to a fine of not more than fifty dollars nor less than ten, for each and every such offence, the one moiety of the fine to be paid into the county treasury, and the other moiety to the prosecutor, to be sued for and recovered before any justice of the peace."

The said bills were then severally ordered to be engrossed for the third reading.

Engrossed bills were then announced ready for the third reading, and the following were severally read the third time, passed, and the titles thereof agreed to, viz:

No. 10. "Preamble and resolution to authorise William T. Sterling to collect certain monies therein mentioned."

No. 78. "A bill to provide for opening and repairing, or vacating public roads and highways," and

No. 93. "A bill to restrain unauthorised banking and for other purposes."

Ordered, That the Council be requested to concur therein.

The undermentioned bills from the Council, were read the first and second time, viz:

No. 41. "A bill concerning supreme and district courts."

No. 48. "A bill concerning proceedings in chancery,"

No. 58. "A bill to provide for the printing and distribution of the laws."

On motion of Mr. Story,

The House adjourned.

MONDAY, MARCH 4, 1839.

The Secretary of the Council being introduced delivered the following message:

"Mr. Speaker.—The Council have passed bills as follows, in which they request the concurrence of this House, viz:

No. 59. "A bill concerning proceedings of courts of record," and

No. 68. "A bill relating to the militia."

And have concurred, without amendment, in bills of this House, as follows, viz:

No. 45. "A bill to define the general powers of counties, and for other purposes."

No. 56. "A bill to prescribe the tenure of office of auctioneers, and to levy a duty upon sales at auction in certain cases," and

No. 65. "A bill relating to limited partnership."

And have concurred in the following bills with amendments, viz:

No. 46. "A bill to provide for the election of county treasurers and to define their duties and powers."

No. 47. "A bill concerning district surveyors."

No. 51. "A bill to provide for the trial of criminal cases."

No. 52. "A bill to provide for the appointment of agents to demand fugitives from justice and for issuing search warrants."

No. 58. "A bill to provide for the relief of the poor," and

No. 63. "A bill to establish certain towns in the counties of Milwaukee, Brown, Racine and Walworth, and the counties thereto attached for judicial purposes, and to provide for the election of certain officers therein."

"In which amendments the concurrence of this House is requested."

And then he withdrew.

Mr. Dewey, from the committee on engrossed bills, reported the following to be correctly engrossed:

No. 59. "A bill organizing a board of county commissioners in each county of this Territory."

No. 72. "A bill to prevent the commission of crimes."

No. 90. "A bill to provide for laying out a Territorial road from Prairie du Chien to Fort Winnebago, on the north side of the Wisconsin river."

Mr. Sholes, from the committee on enrolled bills, reported the following to be correctly enrolled, which were signed by the Speaker and ordered to be presented to the President of the Council for his signature, viz:

"A bill respecting marks and brands for horses, cattle, sheep, and hogs," and

"A bill to amend an act entitled an act to incorporate the Dodgeville Mining Company."

Mr. Blackstone, from the committee appointed to investigate the building of the Capitol, made the following joint report: (See Appendix, document C.) Which was read and referred back to the committee appointed on the part of this House with instructions to report by bill or otherwise.

Mr. Sholes, from the committee on enrolled bills, reported the following to be correctly enrolled, viz:

"A bill concerning the action of ejectment."

"A bill further to amend the act to incorporate the Lafontaine rail road company."

"An act for the relief of persons confined in jail on civil process."

The Speaker signed the said acts and ordered them to be presented to the President of the Council for his signature.

The undermentioned bills from the Council, were read the first and second time, viz:

No. 59. "A bill concerning proceedings of courts of record," and

No. 68. "A bill relating to the militia."

Engrossed bills were severally read the third time, passed, and the titles thereof agreed to, as follows:

No. 59. "A bill organizing a board of county commissioners in each county in this Territory."

No. 72. "A bill to prevent the commission of crimes."

Bill No. 90, entitled "A bill to provide for laying out a Territorial road from Prairie du Chien to Fort Winnebago, on the north side of Wisconsin river," was read the third time, and, on motion of Mr. Brunson, was amended by unanimous consent as follows:

"Strike out all after the word "provided" and insert "that no part of the expense of laying out said road shall be paid by the county of Crawford."

The bill was then passed and the title thereof agreed to.

Ordered, that the Council be requested to concur in the said several bills.

On motion of Mr. Childs,

The House went into committee of the whole, Mr. McGregor in the chair, on the following bills, viz:

41. "A bill to incorporate the Mineral Point copper and lead smelting and mining company."

91. "A bill relating to fisheries."

After some time the committee rose and reported the said bills with amendments, which were agreed to.

Mr. Bracken moved to amend bill 41 by striking out the words "at pleasure" in section 6, and the ayes and noes being called for were as follows:

Ayes,—Messrs. Blackstone, Baldwin, Bracken, Childs and Barber—5.

Noes,—Messrs. Beardsley, Billings, Brunson, Conroe, Churchill, Cruson, Carver, Dewey, Jenkins, McGregor, Sholes, Shackelford, Shew, Skinner, Story, Sutherland, Street and Whiton—18.

The question then recurred on engrossing the bill for the third reading, and the ayes and noes being called were as follows:

Ayes,—Messrs. Blackstone, Beardsley, Billings, Baldwin, Bracken, Childs, Churchill, Jenkins, Whiton and Barber, speaker—10.

Noes—Messrs. Brunson, Conroe, Cruson, Dewey, McGregor, Sholes, Shackelford, Shew, Skinner, Story, Sutherland and Street—13.

So the bill was lost.

Bill No. 91, was amended on motion of Mr. Childs, by striking out the first section and was then ordered to be engrossed for the third reading.

Mr. Street presented the account of S. Mills.

Referred to the committee on claims.

On motion of Mr. Childs,

Bill No. 24, entitled "A bill to organize the county of Dane," was taken up and the amendments made by the Council were concurred in with amendments thereto.

The title of the said bill was amended by unanimous consent to read "A bill to organize the counties of Dane and Fon du Lac and for other purposes."

The amendments of the Council to the following bills were concurred in, viz:

No. 46. A bill to provide for the election of county treasurers and to define their duties and powers;

No. 63. A bill to establish certain towns in the counties of Milwaukee, Brown, Racine and Walworth, and the counties thereto attached for judicial purposes, and to provide for the election of certain officers therein.

The amendments of the Council to the following bills were disagreed to, viz:

47. A bill concerning district surveyors;

58. A bill to provide for the relief of the poor.

The House amended the first amendment and disagreed to the second to bill No. 52, entitled "A bill to provide for the appointment of agents to demand fugitives from justice, &c." and also amended the amendment to bill No. 51, entitled "A bill to provide for the trial of criminal cases."

Ordered, That the Council be acquainted with the action of the House on the said several bills.

The House adjourned until 2 o'clock, P. M.

2 O'CLOCK P. M.

A call of the House was ordered and the absent members sent for.

The Secretary of the Council having been introduced delivered the following message:

"Mr. Speaker,—The Council have passed Resolution No. 13, entitled 'Resolution for a day of thanksgiving,' in which I am directed to ask the concurrence of this House; have insisted on their amendment to bill No. 37 of this House, entitled 'a bill respecting judgments in criminal cases and the execution thereof,' to which the House had disagreed—have concurred in the amendments of this House to bill No. 62, entitled "a bill to establish common schools,' and have receded from their amendments to several bills of this House, to which this House had disagreed, viz:

38. A bill to provide for the punishment of offences against the public health;

39. A bill to provide for the punishment of offences against public justice; and

50. A bill making general provisions concerning crimes and punishments."

And then he withdrew.

The House then went into the committee of the whole on bill 59, (C. F.) entitled 'a bill concerning courts of record,' Mr. Sholes in the chair.

After some time the committee rose and reported the bill without amendment, which was ordered to a third reading.

Mr. Blackstone from the select committee to which the subject was referred submitted the following report:

"The select committee to whom was referred the report of the joint committee of the two Houses on the public buildings, beg leave to report:

That they have had the same under consideration, and from a full examination of the subject, have come to the conclusion that the commissioners have acted from the commencement of their duties in direct violation of the laws under which they were appointed. Under the full conviction of this fact, your committee would respectively report the following bill, and ask to be discharged from the further consideration of the subject, to wit:

Bill No. 98 entitled "An act in addition to an act entitled an act to establish the seat of Government of the Territory, and to provide for the erection of public buildings, approved December 3, 1836.'"

The report of the committee was accepted and the committee discharged.

The said bill 98 was then read the first and second time.

On motion of Mr. Sholes,

The report of the joint committee appointed to investigate the affairs of the building of the capitol was accepted and the committee discharged.

Mr. Billings moved that 500 copies of the report of the joint committee together with all the documents relating to the same be printed.

The motion was disagreed to, ayes 9, noes 9.

Mr. Sholes moved that the report of the joint committee appointed to investigate the affairs of the building of the capitol, together with document E, be printed in all the newspapers in the Territory, which was agreed to.

On motion of Mr. Whiton,

The House adjourned until 7 o'clock, P. M.

7 O'CLOCK P. M.

Mr. Sholes, from the committee on enrolled bills, reported that he had on to-day presented to the Governor for his approval the following:

"An act respecting marks and brands for horses, cattle, sheep, and hogs," and

"An act to amend an act entitled an act to incorporate the Dodgeville Mining Company."

Mr. Street, from the committee on enrolled bills, reported the following to be correctly enrolled, viz:

"An act to regulate ferries."

The Speaker signed the said act and ordered it to be presented to the President of the Council for his signature.

A call of the House was made and the Sergeant-at-Arms sent after the absent members.

The House went into the committee of the whole on bill No. 48, (C. F.) entitled "A bill concerning proceedings in chancery," Mr. Dewey in the chair.

After a short time the committee rose, reported the progress made therein, and asked leave to sit again.

Leave was granted.

On motion of Mr. Street,

The House went into the committee of the whole on bill No. 98, entitled "An act in addition to an act to establish the seat of Government of the Territory of Wisconsin, and to provide for the erection of public buildings, approved December 3, 1836," Mr. Shew in the chair.

After some time the committee rose and reported the bill to the House with amendments, which were agreed to.

Mr. Churchill moved to amend the fourth section by adding the words "the filing of" before the words "such statement," which was agreed to.

Mr. Shew moved to strike out the word "daily" after the word "superintend," which was agreed to.

Mr. Sholes moved to adjourn, which was lost.

The said bill was then ordered to be engrossed.

On motion of Mr. Carver,

The House adjourned until to-morrow at 9 o'clock A. M.

TUESDAY, MARCH 5, 1839.

Mr. Story, from the committee to whom was referred the disagreeing vote of the two Houses on bill No. 37, (C. F.) entitled "A bill to change the corporate limits and powers of the town of Milwaukee," reported:

"That the committee have agreed to recommend to the House of Representatives to recede from their vote and to insist on their third amendment to said bill."

The report of the committee was agreed to, and the committee discharged.

Mr. Dewey, from the committee on engrossed bills, reported to be correctly engrossed bill No. 98, entitled "An act in addition to an act entitled an act to establish the seat of government of the Territory of Wisconsin, and to provide for the erection of public buildings, approved December 3, 1836."

Mr. Sholes, from the committee on enrolled bills, reported the following to be correctly enrolled, which were signed by the Speaker and ordered to be presented to the President of the Council for his signature, viz:

"An act concerning bills of exchange and promissory notes."

"An act to provide for a Territorial revenue."

"An act to regulate ferries."

"An act concerning the appointment of public administrators and their duties."

"An act to incorporate the Pekatonica and Mississippi rail road company," and

"An act concerning executors, administrators, and guardians."

The Speaker laid before the House a message from the Governor giving notice that he had on this day examined and approved the following:

"An act to amend an act entitled an act to incorporate the Dodgeville mining company."

"An act respecting marks and brands for horses, cattle, sheep, and hogs."

On motion of Mr. Shew,

The House adopted the joint report of the committee of conference relating to bill No. 43, entitled "A bill to authorize Charles F. H. Goodhue and James Rogan to erect a dam across Rock river, and for other purposes," and the committee were discharged.

Resolution No. 13, (C. F.) entitled "Resolution for a day of thanksgiving," was read and on the question of its adoption the ayes and noes were called for, and were as following, viz:

Ayes.—Messrs. Blackstone, Beardsley, Billings, Bracken, Brunson, Conroe, Churchill, Cruson, Sholes, Shackelford, Shew, Skinner, Story, Sutherland, Street, Whiton, and Barber, speaker.—17.

Noes.—Messsrs. Baldwin, Childs, Jenkins, and McGregor. —4.

Mr. Blackstone moved to amend by inserting a new title, to wit: "Resolution to encourage the growth of pumpkins."

The ayes and noes being called for were as followings:

Ayes.—Messrs. Billings, Childs, Jenkins, and McGregor. —4.

Noes.—Messrs. Blackstone, Beardsley, Bracken, Brunson, Conroe, Churchill, Cruson, Dewey, Sholes, Shackelford, Shew, Story, Sutherland, Whiton, and Barber, speaker.—15.

So the amendment to the title was disagreed to.

On motion of Mr. Sholes,

The House reconsidered the vote adopting the resolution.

Mr. Childs moved the indefinite postponement of said resolution.

Which was disagreed to.

Mr. Carver moved to lay the resolution on the table for the present.

The ayes and noes were called for and were as follows:

Ayes.—Messrs. Blackstone, Billings, Baldwin, Childs, Carver, Dewey, Jenkins, McGregor, and Shackelford.—9.

Noes.—Messrs. Beardsley, Bracken, Brunson, Conroe, Churchill, Cruson, Sholes, Shew, Skinner, Story, Sutherland, Street, Whiton, and Barber, speaker.—14.

Mr. Sholes moved for the adoption of the resolution, and the ayes and noes being called for were as follows:

Ayes.—Messrs. Beardsley, Bracken, Brunson, Conroe, Churchill, Cruson, Dewey, Sholes, Shew, Skinner, Story, Street, Whiton, and Barber, speaker.—14.

Noes.—Messrs. Blackstone, Billings, Baldwin, Childs, Carver, Jenkins, McGregor, Shackelford, and Sutherland.—9.

So the resolution was adopted and title agreed to.

The Speaker ordered that the Council be informed thereof.

Bill No. 59, (C. F.) entitled "A bill concerning the proceeding of courts of records," was read the third time, passed, and the title agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Sholes,

The rules requiring bills to be printed were suspended in reference to the following bills, viz:

No. 48. "A bill concerning proceedings in chancery."

No. 68. "A bill relating to the militia."

On motion of Mr. Whiton,

The House resolved itself into the committee of the whole, Mr. Whiton in the chair, for the consideration of said bills.

After some time the committee rose and by their chairman reported bill No. 48 with an amendment, and asked leave to sit again on No. 68.

The House agreed to the report of the committee on bill No. 48, and refused to grant leave to sit again on bill No. 68.

Mr. Sholes moved that the said bills Nos. 48 and 68 be read the third time.

Which was agreed to.

The said bills were then read the third time, passed, and the titles thereof agreed to.

Ordered, That the Council be informed thereof.

The Secretary of the Council having been introduced delivered the following message:

"Mr. Speaker:—The Council have passed the following, viz:

No. 46. "A bill concerning costs and fees," and

No. 12. "A resolution requesting the Governor to transmit certain documents to the Secretary of the American Antiquarian society."

"In which the concurrence of this House is requested,

"The Council have also concurred in the following bills, without amendment, viz:

No. 59. "A bill organizing a board of county commissioners in each county of this Territory."

No. 73. "A bill to provide for appeals, news trials, and exceptions in criminal cases."

And in the following with amendments to each, viz:

No. 55. "A bill relating to the Bank of Wisconsin, and requiring its officers to close and settle its affairs.

No. 72. "A bill to prevent the commission of crimes."

No. 78. "A bill to provide for opening and repairing or vacating public roads and highways."

No. 80. "A bill to authorize Albert G. Ellis and others to erect a dam on Rock river, and for other purposes."

No. 87. "A bill to incorporate the Gratiot's Grove Mining company."

No. 90. "A bill to provide for laying out a Territorial road from Prairie du Chien to Fort Winnebago, on the north side of the Wisconsin river."

No. 10. "Preamble and resolution to authorise William T. Sterling to collect certain monies therein mentioned."

"In which amendments the concurrence of this House is requested."

The Council have receded from their amendments to the following bills of this House, viz:

No. 47. "A bill concerning district surveyors."

No. 51. "A bill to provide for the trial of criminal cases."

No. 52. "A bill to provide for the appointment of agents to demand fugitives from justice and for issuing search warrants."

No. 58. "A bill to provide for the relief of the poor."

"And have insisted on their amendments to bill

No. 76. "A bill requiring certain officers to keep their offices at the county seat."

"The Council have concurred in the several amendments of this House, made to the amendments of the Council to bill

No. 24, entitled "A bill to organize the county of Dane," except the first and fourth amendments, to which they have disagreed.

The Governor has notified the Council that he has this day examined and approved the following acts, viz:

"An act further to amend an act to incorporate the Lafontaine rail road company."

"A bill concerning the action of ejectment."

"An act for the relief of persons confined in jail on civil process."

And then he withdrew,

Bill No. 98, entitled "An act in addition to an act to establish the seat of Government of the Territory of Wisconsin, and to provide for the erection of public buildings, approved December 3, 1836," was read the third time, and on the question "Shall this bill pass?" the ayes and noes were called for and were as follows:

Ayes.—Messrs. Blackstone, Beardsley, Billings, Baldwin, Bracken, Brunson, Conroe, Churchill, Cruson, Carver, Dewey, Jenkins, McGregor, Sholes, Shew, Skinner, Story, Street, Whiton, and Barber, speaker.—20.

Noes.—Messrs. Childs and Shackelford—2.

Mr. Billings moved to amend the title to said bill by striking out "an act" and inserting "A bill."

Which was agreed to.

So the title was concurred in.

Ordered, That the Council be informed thereof.

The following resolution and bill from the Council were read the first and second time, viz:

No. 12. "A resolution requesting the Governor to transmit certain documents to the Secretary of the American Antiquarian Society," and

No. 46. "A bill concerning costs and fees."

On motion of Mr. Sholes,

The House went into the committee of the whole on said resolution and bill, Mr. Sutherland in the chair.

After some time the committee rose and by their chairman reported the resolution without amendment, and asked leave to sit again on said bill.

The report of the committee was agreed to and leave was granted.

The said resolution was then read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be informed thereof.

The House adjourned until 3 o'clock P. M.

3 O'CLOCK P. M.

A quorum not being present, on motion of Mr. Baldwin, a call of the House was made, and the absent members sent for.

The absent members having appeared,

On motion of Mr. Sholes,

Bills and resolutions of this House, returned from the Council with amendments, were taken up and considered, and the amendments concurred in, as follows:

No. 10. "Preamble and resolutions to authorize William T. Sterling, to collect certain monies therein mentioned."

No. 80. "A bill to authorize Albert G. Ellis and others to erect a dam on Rock river, and for other purposes."

No. 72. "A bill to prevent the commission of crimes."

No. 87. "A bill to incorporate the Gratiot Grove mining company."

No. 78. "A bill to provide for opening and repairing, or vacating public roads and highways," and

No. 76. "A bill requiring certain officers to keep their offices ot the county seat."

The House concurred in the first and second amendments, and disagreed to the third amendment to bill No. 55, entitled "A bill relative to the bank of Wisconsin, and requiring its officers to close and settle its affairs."

The amendments of the Council to bill No. 90. entitled "A bill to provide for laying out a Territorial road from Prairie du Chien to Fort Winnebago, on the north side of Wisconsin river," was taken up, considered, and concurred in with an amendment.

Ordered, That the Council be requested to concur in the amendment.

Mr. Street, from the committee on enrolled bills, reported to be correctly enrolled the following, viz:

"An act to establish the rate of toll for grinding."

"An act to provide for the recording of town plats."

"An act to provide for appeals, new trials, and exceptions in criminal cases," and

"An act to incorporate the Union mining company."

The Speaker signed the several acts and ordered that they be presented to the President of the Council for his signature.

Mr. Childs, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 60. "A bill to provide for a Territorial revenue."

No. 77. "A bill for assessing and collecting county revenue."

No. 85. "A bill to provide for the preservation of the public health."

Which bills were severally read a third time, passed, and the titles thereof agreed to.

Ordered, That the Council be requested to concur therein.

On motion of Mr. Billings,

The House resolved itself into the committee of the whole, Mr. Bracken in the chair, on bill No. 58, (C. F.) entitled "A bill to provide for the printing and distribution of the laws," and joint resolution No. 9, "relating to printing the laws and journals of the last and present session of the Legislative Assembly."

After some time the committee rose and by their chairman reported the bill with amendments, and the resolution without amendment.

The report of the committee was concurred in, and

On motion of Mr. Billings,

Bill No. 8, (C. F.) and resolution No. 9, were referred to a select committee, consisting of Messrs. Billings, Sholes, and Skinner, with instructions to report by bill on to-morrow.

The Secretary of the Council being introduced delivered the following message:

"Mr. Speaker:—The Council have passed the following bills, viz:

No. 45. "A bill concerning judgments and executions."

No. 69. "A bill to repeal the acts therein mentioned," and

No. 70. "A bill to provide for establishing the seat of justice of Green county."

The Council have adopted the report of the joint committee of conference, to whom was referred the subject of the disagreeing vote of the two Houses, on bills which follow, viz:

No. 37, (C. F.) "A bill to change the corporate limits of the town of Milwaukee," and

No. 65, (C. F.) "A bill to change the corporate limits and powers of the town of Green Bay."

And then he withdrew.

On motion of Mr. Shew,

Bills from the Council were taken up and read the first and second time by their titles, as follows:

No. 45. "A bill concerning judgments and executions."

No. 69. "A bill to repeal the acts therein mentioned."

No. 70. "A bill to provide for establishing the seat of justice of Green county."

Mr. Sholes moved to reconsider the vote taken yesterday by which the House refused to order bill No. 41, entitled "A bill to incorporate the Mineral Point copper and lead smelting and mining company," to be engrossed, and the ayes and noes being called for were as follows:

Ayes.—Messrs. Blackstone, Beardsley, Billings, Baldwin, Bracken, Childs, Churchill, Cruson, Jenkins, McGregor, Sholes, Shew, Skinner, Sutherland, and Barber, speaker.—15.

Nays.—Messrs. Brunson, Carver, Dewey, and Street.—4.

So the motion to reconsider was sustained.

Mr. Jenkins offered an amendment to the bill which was disagreed to.

On the question "Shall the bill be engrossed and read a third time?" the ayes and noes being called for were as follows, viz:

Ayes.—Messrs. Blackstone, Beardsley, Billings, Baldwin, Bracken, Childs, Churchill, Jenkins, McGregor, Sholes, Shew, Whiton, and Barber, speaker.—13.

Noes.—Messrs. Brunson, Cruson, Carver, Dewey, Sutherland, and Street.—6.

So the bill was ordered to be engrossed for the third reading.

On motion of Mr. Billings,

The House went into the committee of the whole, Mr. Billings in the chair, for the consideration of the following bills, viz:

No. 41. (C. F.) "A bill concerning the supreme and district courts."

No 93. (H. R.) "A bill concerning corporations."

After some time the committee rose and by their chairman reported the said bills with amendments.

The report of the committee was agreed to, and bill No. 95 was ordered to be engrossed for a third reading.

Bill No. 41 was then read the third time, passed, and the title thereof agreed to.

Ordered, That the Council be informed thereof.

On motion of Mr. Dewey,

The House adjourned until 7 o'clock P. M.

7 O'CLOCK P. M.

Mr. Sholes, from the committee on enrolled bills, reported that he had on to-day presented to the Governor for his approval the following:

"An act to provide for a Territorial revenue."

"An act to regulate ferries."

"An act concerning bills of exchange and promissory notes."

Mr. Childs, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 41. "A bill to incorporate the Mineral Point copper and lead smelting and mining company."

No. 83. "A bill concerning fences and fence viewers."

No. 91. "A bill regulating fisheries."

Mr. Childs then moved that said bills be read a third time by their titles, and pending the question thereon,

On motion of Mr. Billings,

A call of the House was made and absent members sent for.

Absent members having appeared, bill No. 41 was read the third time, and on the question "Shall this bill pass?" the ayes and noes being called for were as follows, viz:

Ayes.—Messrs. Blackstone, Beardsley, Baldwin, Bracken

Childs, Churchill, Jenkins, McGregor, Sholes, Shew, Skinner, Whiton, and Barber, speaker.—13.

Noes.—Messrs. Brunson, Conroe, Cruson, Carver, Dewey, Story, Sutherland, and Street.—8.

So the bill passed and the title thereof was agreed to.

Bills Nos. 85 and 91 were read the third time, passed, and the titles thereof agreed to.

Ordered, That the Council be requested to concur therein.

On motion of Mr. Sutherland,

The House resolved itself into the committee of the whole, Mr. Dewey in the chair, for the consideration of bill No. 72, (C. F.) entitled "A bill to provide for establishing the seat of justice of Green county."

After some time the committee rose and by their chairman reported the said bill without amendment.

Which was agreed to.

Mr. Whiton moved to amend the bill by adding to the third section the following:

"Provided that the place so selected shall not be more than five miles from the geographical centre of said county."

The ayes and noes being called for were as follows:

Ayes.—Messrs. Churchill, Skinner, Sutherland, and Whiton. —4.

Noes.—Messrs. Beardsley, Billings, Baldwin, Bracken, Brunson, Childs, Conroe, Carver, Dewey, Jenkins, Sholes, Shew, Story, Street, and Barber, speaker.—15.

So the amendment was disagreed to.

Mr. Sutherland moved to lay the bill on the table until tomorrow, which was disagreed to.

On motion of Mr. Sutherland,

A call of the House was made, and the absent members sent for.

Mr. Conroe offered an amendment to the said bill to be called section eight, which was disagreed to.

On motion of Mr. Dewey,

The rule prohibiting bills from being read the second and third time on the same day was suspended in reference to said bill which was then read the third time.

On the question "Shall the bill pass?" the ayes and noes were as follows:

Ayes.—Messrs. Beardsley, Billings, Baldwin, Bracken, Brunson, Childs, Conroe, Dewey, Jenkins, McGregor, Sholes, Shew, Story, and Street.—14.

Noes.—Messsrs. Churchill, Carver, Skinner, Sutherland, Whiton, and Barber, speaker.—6.

So the bill passed and the title was agreed to.

Ordered, That the Council be informed thereof.

The House adjourned until 9 o'clock, A. M. on to-morrow.

WEDNESDAY, MARCH 6, 1839.

Mr. Billings, from the select committee to which bill No. 58, and resolution No. 9 were referred, reported a substitute therefor, viz:

No. 99, entitled "A bill to provide for the printing and distribution of the laws of Wisconsin, together with the Journal of the Council and House of Representatives of this first session in the year eighteen hundred and thirty-nine."

Which was read the first and second time.

The House insisted on their amendments to the following bills, to which the Council had disagreed, and ordered that conferences be requested thereon, viz:

No. 37. "A bill respecting judgments in criminal cases and the execution thereof."

No. 24. "A bill to organize the county of Dane," Messrs. Bracken and Childs were appointed a committee of conference on the first named bill, and Messrs. Sholes and Sutherland on the second.

Ordered, That the Clerk inform the Council thereof.

On motion of Mr. Bracken,

The House went into committee of the whole on bills of the following titles, Mr. Childs in the chair, viz:

No. 97. "A bill to incorporate the Mississippi Marine and Fire Insurance company."

No. 92. "A bill to reorganize several counties therein named, and for other purposes."

After some time the committee rose and reported the said bills with amendments which were agreed to.

On motion of Mr. Street,

Bill No. 92, was indefinitely postponed.

Mr. Carver moved to amend bill 97 by striking out of the first section the words "in the town of Sinipee," which was decided in the negative.

Mr. Bracken moved to strike out "James P. Cox," and insert the name of John H. Rountree," which was agreed to.

The said bill was then ordered to be engrossed.

Mr. Sholes informed the House that on to-day he presented the following acts to the Governor for his approval, viz:

An act to establish the rate of toll for grinding.

An act to provide for recording town plats.

An act to incorporate the Union mining company.

An act to provide for appeals, new trials and exceptions in criminal cases.

Mr. Shackelford from the committee to which the subject was referred made the following report:

The committee of conference appointed upon the subject of the disagreeing vote of the two Houses upon No. 65, "A bill to change the corporate limits and powers of the town of Green Bay," have agreed to recommend to the House of Representatives to recede from their first amendment and in lieu of the last amendment to adopt the following section:

Sec. 35. Should this act not be adopted by the citizens of said town in pursuance of its provisions it shall be lawful for the qualified voters therein at an election to be called by the president and trustees of said town, within six months from the passage of this act, to declare by ballot "yea" or "nay" whether the present charter of said town shall be dissolved and if a majority of said voters shall vote "yea" then the said last mentioned charter shall be null and void from and after the first day of January, 1840."

The report was adopted and the committee discharged.

Ordered, That the Council be informed thereof.

The House went into committee of the whole on bill No. 46, from the Council entitled "A bill concerning costs and fees," Mr. Conroe in the chair.

After some time the bill was reported with amendments which were agreed to.

Mr. Street moved the indefinite postponement of the bill, and pending the question thereon, a call of the House was made and the absent members sent for.

The absent members having appeared Mr. Street had leave to withdraw his motion and the bill was referred to the following select committee with instructions to report on to-morrow, viz:

Messrs. Shackelford, Story, Whiton, Sutherland, Blackstone, Dewey and Brunson.

On motion of Mr. Billings,

The House adjourned until 2 o'clock, P. M.

2 O'CLOCK P. M.

On motion of Mr. Billings,

Bill 45, from the Council, entitled "a bill concerning judgments and executions," was considered in the committee of the whole, Mr. Beardsley in the chair, and after some time was reported with amendments which were agreed to.

The bill was then ordered to a third reading and was read the third time, passed and the title agreed to.

Ordered, that the Council be acquainted therewith.

The Secretary of the Council being introduced delivered the following message.

"Mr. President—The Council have concurred in bill 98, of this House, "A bill in addition to an act entitled 'an act to establish the seat of Government of the Territory of Wisconsin, and to provide for the erection of public buildings,' approved Dec.

3, 1836," with amendments thereto, in which amendments I am directed to ask the concurrence of this House.

The Governor has notified the Council that he did on this day examine and approve the following, viz:

An act concerning executors, administrators and guardians;

An act concerning the appointment of public administrators and their duties, and

An act to incorporate the Pekatonica and Mississippi rail road company.

And then he withdrew.

Mr. Sholes, from the committee on enrolled bills, reported the following to be correctly enrolled, viz:

An act to provide for and regulate general elections;

An act to authorize Charles F. H. Goodhue and James Roga to erect a dam on Rock river and for other purposes;

An act to provide for laying out and establishing several territorial roads therein named; and

An act to establish common schools.

Mr. Street, from the same committee, reported the following to be correctly enrolled, viz: "An act to incorporate the Gratiot's Grove mining company."

The Speaker signed the said several acts and ordered them to be presented to the President of the Council for his signature.

Mr. Childs from the committee on engrossed bills reported No. 86, to be correctly engrossed, entitled "A bill to provide for the punishment of offences against public policy."

The said bill was then read the third time, passed and the titled thereof agreed to.

Ordered, that the Council be requested to concur in the said bill.

On motion of Mr. Billings,

The House went into committee of the whole on bill 99, Mr. Baldwin in the chair, entitled "A bill to provide for the printing and distribution of the laws of Wisconsin," together with the journals of the Council and House of Representatives of the first session in the year eighteen hundred and thirty-nine.

After some time the committee rose and reported the progress made therein and asked leave to sit again.

Leave was granted.

On motion of Mr. Carver,

The House adjourned until 7 o'clock, P. M.

7 O'CLOCK P. M.

A call of the House was made and the absent members sent for.

On motion of Mr. Dewey,

The House resolved itself into the committee of the whole on bill 60, entitled "a bill relating to strays," Mr. Skinner in the chair. After some time the committee rose and reported the bill without amendment, which was then ordered to be engrossed for the third reading.

On motion of Mr. Shew,

The House went into committee of the whole on the following bills, Mr. Baldwin in the chair, viz:

82. "A bill to prevent certain animals from running at large."

99. "A bill to provide for the printing and distribution of the laws of Wisconsin together with the journals of the Council and House of Representatives of the first session in the year 1839."

After some time the committee rose and reported the bills with amendments.

The amendments to bill No. 82 were agreed to.

On the question of agreeing to the amendments to bill No. 99, the ayes and noes were called for and were as follows:-

Ayes—Messrs. Beardsley, Bracken, Brunson, Childs, Conroe, Dewey, McGregor, Shackelford, Sutherland, Street and Whiton—11.

Noes—Messrs. Blackstone, Billings, Baldwin, Churchill, Cruson, Carver, Jenkins, Shew, Skinner, Story and Barber, speaker—11.

So the report was not agreed to.

The bill was then, on motion of Mr. Bracken, laid on the table until to-morrow.

The House adjourned until 9 o'clock, A. M on to-morrow.

THURSDAY, MARCH 7, 1839.

Mr. Childs, from the committee on engrossed bills reported the following to be correctly engrossed, viz:

74. A bill to provide for the arrest and examination of offenders, commitment for trial and taking bail.

89. A bill to provide for the election of Coroners and defining their duties and powers.

95. A bill concerning corporations.

Mr. Jenkins, from the select committee to which the subject was referred, made the following report:

The committee to whom was referred the papers relative to the register of deeds in Iowa county beg leave to report that they have examined the same and think that it is unnecessary to take any action thereon. Your committee are of opinion that Robert Dougherty who was elected to the office of register under the laws of Michigan continued in said office until his successor was elected and qualified according to law. We are forced to this conclusion from the plain and obvious intent manifested throughout the organic act to prevent an interregnum between the government of Michigan and that of Wisconsin; that the wheels of government should not be at all impeded. Any decision which contravenes this view in our opinion is in direct opposition to the intent and meaning of all our institutions. The law of Michigan regulating the office of register, was in force until repealed by the Legislature of Wisconsin. The office therefore existed—this law nor any other provided for filling a vacancy except by election—and no election could take place until provided for by law; consequently unless the incumbent who held the office under Michigan continued in office until his place was supplied by another, the territory must have remained for some six months, without a register of deeds. Your committee believe, that Henry Messersmith then, became the register of deeds by the election of May 3d, 1837, although they regret that he should have continued to hold the office after the election of March, 1838, contrary to the expressed wishes of the citizens of Iowa county, as it appears that an election of that date was held, at which he received only ninety-six votes, while his opponent received four hundred and seventy-six.

The report was accepted and the committee discharged.

Mr. Street from the committee on enrolled bills, reported the following to be correctly enrolled, viz:

"An act relating to the militia."

"An act concerning proceedings in chancery."

"An act to provide for the trial of criminal cases."

"An act to provide for the punishment of offences against the public health."

"An act to restrain unauthorized banking, and for other purposes."

"Preamble and Resolution authorizing William T. Sterling, to collect certain monies therein mentioned."

"A resolution requesting the Governor to transmit documents to the Secretary of the American Antiquarian Society."

"Resolution for a day of thanksgiving."

The Speaker signed the said resolutions and acts, and ordered them to be presented to the President of the Council for his signature.

Mr. Bracken, from the committee to which the subject was referred, made the following report.

"The committee on Territorial affairs, to whom was referred the petition of Jacob Bigelow and others, praying an act of incorporation, under the name of the "*Western Agricultural Company*," with a capital not exceeding three hundred thousand dollars, with power to purchase and hold such lands as their agricultural and manufacturing operations shall require, and generally in their corporate capacity to engage in such agricultural and manufacturing operations, and in the transportation of their products and other property to and from market, and the sale of the same as the interests of the company shall appear to make necessary; have the honor to report:

That while they consider it the duty of the Legislative Assembly, to extend all the aid to the encouragement of agricultural and manufacturing enterprize, which they can do without injuring or endangering the rights and privilege of any person.

While your committee highly appreciate the motives of the petitioners, they cannot but look upon the incorporation which the petitioners ask, as one which might become monopolizing in its tendencies, and dangerous to the rights of citizens.

The committee therefore recommend, that the prayer of the petitioners be not granted, and that they be discharged from the further consideration of the subject.

The report was accepted and the committee discharged therefrom.

Mr. Sholes from the committee on enrolled bills, reported the following to be correctly enrolled, viz:

"An act to organize a board of county commissioners in each county of this territory.

An act to establish certain towns in the counties of Milwaukee, Brown, Racine and Walworth, and the counties thereto attached for judicial purposes, and to provide for the election of certain officers therein.

"An act to provide for opening and repairing or vacating public roads and highways."

The Speaker signed the said acts and ordered them to be presented to the President of the Council for his signature.

Mr. Shackelford from the committee to which bill No. 46, entitled "a bill relating to costs and fees," was referred, reported the same to the House without amendment.

Bill 98, entitled "an act in addition to an act to establish the seat of government of the Territory of Wisconsin and to provide for the erection of public buildings, approved Dec. 3d, 1836, returned from the Council with amendments was taken up and considered.

The first amendment was concurred in with an amedment. The 4th, 5th and 7th amendments were concurred in and the 2d, 3d, and 6th amendments were disagreed to.

The amendment to the title was concurred in.

Ordered that the Council be acquainted therewith.

Mr. Childs offered the following resolutions, which were laid on the table.

Resolved, by the Council and House of Representatives, that a joint committee, consisting of two on the part of each house, shall be appointed to contract with one or more persons for the printing of the laws of a general or local character, said contractor or contractors to give bond to the Governor in such sum as said committee may deem proper for the faithful performance of the work.

Resolved, further, that said committee also contract with one or more persons for the printing of the journals of both houses, and to place the contractor under such bonds for the faithful performance of the work, as the committee may deem expedient or necessary.

Resolved, further, that said committee be required to give to the lowest and best bidders the contracts above required to be let, and be required to report to their respective houses on Friday the 8th inst.

Mr. Sholes from the joint committee to which the subject was referred, made the following report, which was laid on the table.

The joint committee of conference appointed to take into consideration the disagreeing vote of the two Houses on bill No. 24, (H. of R.) entitled "a bill to organize the county of Dane and Fond du Lac, and for other purposes" beg leave to report that they have agreed to recommend to the Council to recede from their disagreement to the first amendment of the House, and to the House to recede from the fourth amendment; and to recommend to the two Houses to amend the 8th section of the bill by striking out "Fon du Lac" in the third line.

Bill No. 69, (C. F.) was referred to the committee on the revision of the laws, entitled "A bill to repeal the acts therein mentioned."

Mr. Childs, from the committee on engrossed bills, reported bill No. 70 to be correctly engrossed.

The undermentioned bills were severally read the third time, passed, and the titles thereof agreed to.

No. 70. "A bill to incorporate the Pecatonica navigation company."

No. 74. "A bill to provide for the arrest and examination of offenders, commitment for trial, and taking bail."

No. 89. "A bill to provide for the election of coroners and defining their duties and powers."

No. 95. "A bill concerning corporations."

Bill No. 70 was amended on the third reading by unanimous consent by striking out the name of "Richard McKim," and inserting in lieu thereof the name of "Robert W. Carson."

The title to bill No. 89 was amended to read "A bill to provide for the election of coroners, and defining their duties and powers and to provide for the election of constables.

Ordered, That the Council be requested to concur in the said several bills.

Bill No. 46, (C. F.) entitled "A bill concerning costs and fees," ordered to a third reading, was read the third time, and on the question "Shall the bill pass?" the ayes and noes being called for, were as follows:

Ayes.—Messrs. Blackstone, Baldwin, Childs, Conroe, Dewey, McGregor, Sholes, Shackelford, Story, Sutherland, Whiton, and Barber, speaker.—12.

Noes.—Messrs. Beardsley, Billings, Churchill, Cruson, Carver, Jenkins, Shew, Skinner, and Street.—9.

Ordered, That the Council be requested to concur in the amendments to said bill.

The Secretary of the Council being introduced delivered the following message:

"Mr. Speaker:—The Council have passed the following bills:

No. 71. "A bill relating to the sessions of the Legislative Assembly."

"In which the concurrence of this House is requested.

"The Council have concurred in bills of this House as follows:

No. 83. "A bill concerning fences and fence viewers."

No. 86. "A bill to provide for the punishment of offences against public policy."

And in the following bills with amendments, in which I am directed to ask the concurrence of this House, viz:

No. 41. "A bill to incorporate the Mineral Point copper and lead smelting and mining company."

No. 60. "A bill to provide for the election of Registers of Deeds, and to define their duties and powers."

No. 77. "A bill for assessing and collecting county revenue."

No. 85. "A bill to provide for the preservation of the public health," and

No. 91. "A bill regulating fisheries."

"Messrs. Brigham and Maxwell have been appointed a committee to confer with a committee appointed on this House, in relation to the disagreeing vote of the two Houses to bill No. 24, (H. R. F.) entitled "A bill to organize the counties of Dane and Fon du Lac, and for other purposes."

The Governor has notified the Council that he has this day examined and approved the following, viz:

"An act to establish common schools."

"An act to provide for laying out and establishing several Territorial roads therein named."

"An act to authorize Charles F. H. Goodhue and James Rogan to erect a dam on Rock river and for other purposes," and

"An act to provide for and regulate general elections."

And then he withdrew.

On motion of Mr. Shackelford,

A call of the House was made and absent members sent for.

On motion of Mr. Shackelford,

The House resolved itself into the committee of the whole, Mr. McGregor in the chair, for the consideration of the following resolution and bills, viz:

No. 7, (H. R. F.) "Joint resolution relating to the printing the laws and journals of the last and present session of the Legislative Assembly."

No. 58, (C. F.) "A bill to provide for the printing and distribution of the laws," and

Bill No. 99, (H. R. F.) entitled "A bill to provide for the printing and distribution of the laws of Wisconsin, together with the journals of the Council and House of Representatives of the first session in the year eighteen hundred and thirty-nine."

After a long time the committee rose and by their chairman reported the progress made therein and asked leave to sit again.

Leave was granted.

On motion of Mr. Carver,

The House adjourned until 2 o'clock, P. M.

2 O'CLOCK P. M.

A call of the House was made and the Sergeant-at-Arms sent after the absent members.

Bill No. 71, from the Council, entitled "A bill relative to the sessions of the Legislative Assembly," was read the first and second time.

The following bills, returned from the Council with amendments, were considered and the amendments concurred in, viz:

No. 41. "A bill to incorporate the Mineral Point copper and lead smelting and mining company."

No. 60. "A bill to provide for the election of Registers of Deeds and to define their duties and powers."

No. 85. "A bill to provide for the preservation of the public health."

The amendments made by the Council to bill No. 91, entitled "A bill regulating fisheries" were disagreed to.

Ordered, That the Council be acquainted therewith.

Bill No. 77, entitled "A bill for assessing and collecting county revenue," returned from the Council with amendments, was laid on the table.

Mr. Sholes, from the committee on enrolled bills, reported the following to be correctly enrolled, viz:

"An act requiring certain officers to keep their offices at the county seat."

The Speaker signed the said act and ordered it to be presented to the President of the Council for his signature.

Mr. Sholes, from the same committee, reported that he had on to-day presented the following acts to the Governor for his approval, viz:

"An act to restrain unauthorized banking and for other purposes."

"An act to provide for the punishment of offences against the public health."

"An act to provide for the trial of criminal cases."

Bill No. 82, entitled "A bill to prevent certain animals from running at large," was ordered to be engrossed for a third reading.".

On motion of Mr. Shackelford,

The House went into the committee of the whole on the following resolution and bills, Mr. McGregor in the chair, viz:

No. 71. "A bill relative to the sessions of the Legislative Assembly."

No. 78, (C. F.) "A bill to provide for the printing and distribution of the laws."

No. 99. "A bill to provide for the printing and distribution of the laws of Wisconsin, together with the journals of the Council and House of Representatives of the first session in the year eighteen hundred and thirty-nine."

No. 9. "Joint resolution relating to the printing the laws and journals of the last and present session of theLegislative. Assembly."

After some time the committee rose and reported bill 99 with amendments, and 71, 78, and resolution No. 9 without amendments.

The Secretary of the Council being introduced delivered the following message:

"Mr. Speaker:—The Council have concurred in all the amendments of this House to the following bills, viz:

No. 41. "A bill concerning the supreme and district courts."

No. 45. "A bill concerning judgments and executions."

No. 46. "A bill concerning costs and fees."

Have receded from their amendment to bill No. 37, and to their second amendment to bill No. 98, and have insisted on their 3d amendment to bill No. 55, and their third and sixth amendments to bill No. 98, to all of which this House had disagreed. The Council have requested a committee of conference on disagreeing vote of the two Houses to bill No. 55. Messrs. Strong and Vineyard have been appointed the committee on the part of the Council."

And then he withdrew.

A motion was made to lay bill No. 99 on the table, and the ayes and noes being called for were as follows:

Ayes.—Messrs. Blackstone, Beardsley, Baldwin, Brunson, Childs, Conroe, Cruson, Dewey, Jenkins, McGregor, Sholes, Shackelford, Shew, Sutherland, and Street.—15.

Noes.—Messrs. Billings, Bracken, Carver, Skinner, Story, and Barber, speaker.—6.

Mr. Billings moved to amend bill No. 58 by striking out the name of "E. V. Whiton," and inserting "John Catlin," and the ayes and noes being called for were as follows:

Ayes.—Messrs. Blackstone, Billings, Baldwin, Jenkins, Shew, Skinner, and Barber, speaker.—7.

Nays.—Messrs. Beardsley, Bracken, Brunson, Childs, Conroe, Cruson, Carver, Dewey, McGregor, Sholes, Shackelford, Story, Sutherland, and Street.—14.

The said bills were then ordered to the third reading, and were severally read the third time, passed, and the titles thereof agreed to.

Mr. Sholes moved to amend resolution No. 9, by striking out the words "revised and," which was agreed to.

Mr. Sholes offered the following amendment to said resolution, which was agreed to, viz:

"Resolved further, That John Catlin be and hereby is appointed to prepare the laws of a local character for publication, and to arrange them in proper order according to date of approval, and to furnish them to the printer employed to print them, within thirty days from the passage of this resolution, and that the said John Catlin be also authorized to prepare the Journal of the House of Representatives for publication, for which services he shall be allowed such reasonable compensation as the Legislative Assembly shall hereafter deem proper."

Mr. Childs offered the following amendment to said resolution, which was concurred in.

"Resolved, That Daniel H. Richards of Milwaukee be authorized to print and deliver to the Governor, to be distributed among the militia officers in the Territory, five hundred copies of the act in relation to the militia, on or before the fourth day of July next, and that the person authorized to prepare the general laws for publication be required to furnish said Richards with a copy of the militia laws as soon as practicable."

Mr. Jenkins moved to add to the first resolution the following words "to the Governor for the use of the Territory," which was adopted.

Mr. Sholes moved to amend the first resolution by inserting in the fourth line "one thousand copies," which was agreed to.

Mr. Street moved to fill the blank in the first resolution by inserting "four thousand," which was concurred in.

Mr. Bracken moved to strike out the names of "Welsh and Plowman," and insert "Daniel H. Richards," and the ayes and noes being called for were as follows:

Ayes,—Messrs. Bracken, and Shackelford.—2.

Noes.—Messrs. Blackstone, Beardsley, Billings, Baldwin, Brunson, Childs, Conroe, Churchill, Cruson, Carver, Dewey, Jenkins, McGregor, Sholes, Shew, Skinner, Story, Sutherland, Street, and Barber, speaker.—20.

Mr. Jenkins moved to strike out in the second resolution the words "Council and."

The ayes and noes were called for and were as follows:

Ayes.—Messrs. Beardsley, Childs, Jenkins, Sholes, Shackelford, and Street.—6.

Noes.—Messrs. Blackstone, Billings, Baldwin, Bracken, Brunson, Conroe, Churchill, Cruson, Carver, Dewey, McGregor, Shew, Skinner, Story, Sutherland, and Barber, speaker.—16.

The second resolution was further amended by inserting in the third line, after the word print, the words "two hundred copies of each of," and by inserting after the word "security," the words "to the Governor for the use of the Territory."

The resolutions were then ordered to be engrossed for the third reading.

On motion of Mr. Street,

Ordered, That a committee of conference be appointed, on the disagreeing vote of the two Houses on bill No. 55, entitled "A bill relative to the Bank of Wisconsin, and requiring its officers to close and settle its affairs."

The Speaker appointed Messrs. Street and Whiton the said committee.

Ordered, That the Council be acquainted therewith.

Mr. Street, from the committee on enrolled bills, reported

"An act to prevent the commission of crimes," to be correctly enrolled.

The Speaker signed the said act and ordered it to be presented to the President of the Council for his signature.

The House adjourned until 7 o'clock P. M.

7 O'CLOCK P. M.

A call of the House was made and the absent members sent for.

Mr. Story, from the committee on engrossed bills reported Resolution No. 9 to be correctly engrossed, entitled

"Joint resolution relating to printing the laws and journals of the last and present sessions of the Legislative Assembly."

The said resolution was then announced for the third reading, and was read the third time, passed, and the title amended to read "Joint resolution relating to the printing of the local laws and journals of the Legislative Assembly."

On motion of Mr. Sholes,

The joint report of the committee of conference relating to bill No. 24, entitled "A bill to organize the counties of Dane and Fond du Lac, and for other purposes," was adopted and the committee discharged.

Ordered, That the Council be acquainted therewith.

Bill No. 77, entitled "A bill for assessing and collecting county revenue, returned from the Council with amendments, was considered.

On motion of Mr. Carver,

The first amendment was amended by striking out, in the eleventh line, the words "by residents of this Territory," and by striking out all after the word "company."

The said amendment as amended and the remaining amendments were concurred in.

Ordered, That the Council be acquainted therewith.

Mr. Street, from the committee on enrolled bills, reported the following to be correctly enrolled, viz:

"An act to incorporate the Mineral Point copper and lead smelting and mining company."

Which was signed by the Speaker and ordered to be presented to the President of the Council for his signature.

Bill 98, entitled "an act in addition to an act to establish the seat of government of the Territory of Wisconsin and to provide for the erection of public buildings, approved Dec. 3d, 1836, and for other purposes," was taken up.

Mr. Carver moved that the House recede from the third amendment of the Council on which the Council had insisted, and the ayes and noes being called were as follows:

Ayes.—Messrs. Brunson, Cruson, Carver, Sholes, Skinner, Whiton, and Barber, speaker.—7.

Noes.—Messrs. Blackstone, Beardsley, Baldwin, Conroe Churchill, Dewey, Jenkins, McGregor, Shew, Story, and Street.—11.

So the House refused to recede.

The House then receded from the sixth amendment to which the Council insisted.

On motion of Mr. Street,

Ordered, That a committee of conference be appointed on the disagreeing vote of the two Houses on the said bill.

The Speaker appointed Messrs. Street and Carver the said committee.

Ordered, That the Clerk inform the Council thereof, and request a conference.

On motion of Mr. Sholes,

The House adjourned until 9 o'clock, A. M. on to-morrow.

FRIDAY, MARCH 8, 1839.

Mr. Childs, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 97. "A bill to incorporate the Mississippi Marine and Fire Insurance company."

No. 53. "A bill regulating taverns and groceries," and

No. 66. "A bill concerning the lien of mechanics and others for the costs of repairs and improvements on real estate."

Mr. Billings, from the same committee, reported the following to be correctly engrossed.

No. 69. "A bill relating to estrays, and

No. 82. "A bill to prevent certain animals from running at large."

Mr. Sholes from the committee on enrolled bills, reported the following to be correctly enrolled, viz:

"An act to provide for the election of county treasurers, and to define their duties and powers."

"An act to provide for establishing the seat of justice of Green county."

"An act making general provisions concerning crimes and punishments."

Mr. Street, from the same committee, reported the following acts to be correctly enrolled:

"An act to prescribe the tenure of office of auctioneers and to levy a duty upon sales at auction in certain cases," and

"An act to change the corporate limits and powers of the town of Green Bay."

The Speaker signed the said several acts and ordered them to be presented to the President of the Council for his signature.

Mr. Bracken, from the committee on Territorial affairs, to whom were referred the petitions of sundry inhabitants of the counties of Racine and Milwaukee, residing in townships 1, 2, 3, 4, and 5 north, and range 18, 19, and 20, praying the Legislative Assembly to lay off a new county, to embrace the townships and ranges above named, together with the remonstrance of a number of citizens of Racine county on the same subject, reported:

That they had duly considered the subject and deem it inexpedient at the present time that the Legislature should grant their prayer, as it is the opinion of your committee that it would be the means of increasing the taxes of the people, and perhaps aggrandise the few at the expense of the many. They therefore recommend that the prayer of the petitioners be not granted, and that your committee be discharged from the further consideration of the subject.

The report was concurred in, and the committee discharged.

Mr. Story presented the account of John Catlin, postmaster of Madison.

Which was referred to the committee on expenses.

Mr. Street, from the committee of conference appointed by the House of Representatives, together with the committee of conference appointed by the Council to bill No. 55, (H. R. F.) entitled "A bill relating to the Bank of Wisconsin, and requiring its officers to close and settle its affairs," reported that they have agreed to recommend to recede from the said amendment, and that the first section be amended by inserting after the word "immediately," in the third line, the words "after the twentieth day of April next," and by striking out the words "such suit or suits as may be necessary," and inserting instead thereof as follows: "a suit by injunction to close up all proceedings of said bank, immediately after the service thereof."

On motion the said report was laid on the table.

The Speaker laid before the House a message from the Governor notifying the House that he did on this day examine and approve the following acts, to wit:

"An act organizing a board of county commissioners in each county in this Territory.

"An act to restrain unauthorized banking, and for other purposes."

"An act to provide for the trial of criminal cases."

"An act to provide for the punishment of offences against the public health."

"An act to provide for opening and repairing, or vacating public roads and highways," and

"An act to establish certain towns in the counties of Milwaukee, Brown, Racine, and Walworth, and the counties thereto attached for judicial purposes, and to provide for the election of certain officers therein."

Mr. Childs, from the select committee to whom was referred the petition of certain citizens of Walworth county, made the following report:

"The committee to whom was referred the petition of certain citizens of Walworth county, praying the Legislative Assembly to prohibit the distillation of ardent spirits within this Territory, beg leave to report, that they have had the subject under their consideration, and recommend that the prayer of the petitioners ought not to be granted.

"The course of legislation which the petitioners ask of the Legislative Assembly to adopt, your committee think would be unjust, partial, and injurious to the manufacturing and agricultural interests of the Territory. The avowed object of the petitioners is to check intemperance, but the committee believe that the object would be best effected by leaving this subject to the unbiassed good sense of the community, instead of attempting to effect it by legal enactment."

Several motions were made to lay on the table, to postpone and not to receive the said report,

Which were severally disagreed to.

The report was adopted, and the committee discharged from the further consideration of the subject.

Mr. Street moved to reconsider the vote taken on yesterday by which the House refused to recede from their non-concurrence to the third amendment to bill No. 98, entitled "A bill in addition to an act entitled an act to establish the seat of Government of the Territory of Wisconsin, and to provide for the erection of public buildings, approved December 3, 1836, and for other purposes."

Which was agreed to.

The House then receded from their non-concurrence to the third amendment.

Ordered, That the Council be informed thereof.

The undermentioned bills were severally read the third time, passed, and the titles thereof agreed to as follows:

No. 53. "A bill regulating taverns and groceries."

No. 66. "A bill concerning the lien of mechanics and others for the costs of repairs and improvements on real estate."

No. 69. "A bill relating to estrays."

No. 82. "A bill to prevent certain animals from running at large."

No. 97. "A bill to incorporate the Mississippi Marine and Fire Insurance company."

Ordered, That the Council be requested to concur therein.

On motion of Mr. Billings,

The House resolved itself into the committee of the whole, Mr. Cruson in the chair, for the consideration of bill No. 96, entitled "A bill to provide for the compensation of the officers of the Legislative Assembly and for other purposes."

After some time the committee rose and reported the said bill to the House without amendment.

The bill was then referred to the committee on expenses, and the committee instructed to act with a similar committee on the part of the Council.

Mr. Shackelford to whom was referred bill No. 69, (C. F.) entitled "A bill to repeal the acts therein mentioned," reported the same to the House, which was read the second time.

Mr. Street, from the committee on enrolled bills, reported the following to be correctly enrolled, which was signed by the Speaker and ordered to be presented to the President of the Council for his signature, viz:

"An act in addition to an act to establish the seat of government of the Territory of Wisconsin and to provide for the erection of public buildings, approved December 3d, 1836, and for other purposes."

On motion of Mr. Childs,

The House went into the committtee of the whole on bill No. 69, (C. F.) entitled "A bill to repeal the acts therein mentioned," Mr. Brunson in the chair.

After some time the committee rose, reported the progress made therein, and asked leave to sit again.

Leave was granted.

The Secretary of the Council being introduced delivered the following message:

"Mr. Speaker:—The Council have passed the following resolution:

No. 14. "Resolution providing for the distribution of the maps of the Territory."

"In which the concurrence of this House is requested.

"The Council have concurred in bills of this House as follows:

No. 74. "A bill to provide for the arrest and examination of offenders, commitment for, and taking bail."

No. 95. A bill concerning corporations.

And have concurred in bills No. 70. "A bill to incorporate the Pekatonica Navigation Company;" and No. 89. "A bill to provide for the election of coroners, and defining their duties and powers, and to provide for the election of constables," with amendments, in which amendments the concurrence of this House is requested.

The Council have amended the last amendment of this House to bill No. 90. (H. of R.) "A bill to provide for laying out certain territorial roads therein named;" by adding thereto, as follows: "The expense of laying out the several roads, authorized by this act, shall be paid from the county treasurers of any of the counties through which any part of them may run." And in the second amendment of this House, strike out all after "rapids," and insert in place thereof "Fort Winnebago," in which amendments the concurrence of this House is requested.

The Council have insisted upon their amendment to bill No. 90 of this House, entitled "a bill regulating fisheries to which this House had disagreed, and have requested a committee of conference thereon.

Messrs. Martin and Vineyard have been appointed the committee on the part of the Council.

And then he withdrew.

Mr. Street gave notice that he did on to-day present to the Governor for his approval, the following act, viz:

"An act in addition to an act entitled an act to establish the seat of government of the territory of Wisconsin, and to provide for the erection of public buildings," approved Dec. 3d, 1836, and for other purposes.

The Speaker then laid before the House a message from the Governor informing him he had on to-day approved "an act in addition to an act entitled 'an act to establish the seat of government of the Territory of Wisconsin, and to provide for the erection of public buildings and for other purposes."

No. 14. (C. F.) entitled "Resolution providing for the distribution of the maps of the territory," was read the first and second time.

Bill No. 89, entitled "a bill concerning coroners and constables," returned from the Council with amendments, was taken up and the amendments concurred in.

Ordered, that the Council be acquainted therewith.

On motion, Messrs. Childs and Skinner were appointed a committee of conference on bill 91, entitled "a bill regulating fisheries," to confer with the committee appointed on the part of the Council on the said bill.

Mr. Sholes gave notice that he on to-day presented to the Governor for his approval the following acts, viz:

"An act to prevent the commission of crimes."

"An act requiring certain officers to reside at the county seat."

On motion of Mr. Shew,

The House went into committee of the whole on bill 94, (H. of R.) entitled "a bill to repeal an act entitled an act to incorporate the Bank of Milwaukee," and resolution No. 14, "Resolution providing for the distribution of the maps of the territory."

After a short time the committee reported the progress made therein, and asked leave to sit again.

Leave was granted.

On motion of Mr. Childs,

Ordered, that a teller be appointed on the part of this House to act in conjunction with such teller as may be appointed on the part of the Council to canvass the votes of the two Houses for Commissioners of public buildings.

The Speaker appointed Mr. Childs the said teller.

Ordered, that the Clerk acquaint the Council therewith,

On motion of Mr. Billings,

Ordered, that a committee of two be appointed to inform the Council, that the House of Representatives are now ready to proceed to the election of three commissioners to superintend the erection and completion of the Capitol, and that seats have been prepared for them in the Representatives Hall.

Messrs. Billings and Sholes were appointed the said committee.

The Secretary of the Council being introduced, delivered the following message:

"Mr. Speaker.—I have been directed to inform this House that the Council have appointed Mr. Brigham the teller on their part, to act with the teller appointed by this House, to canvass the votes for commissioners, to superintend the erection of public buildings.'

And then he withdrew.

The President and members of the Council having convened in the Representatives Hall, the President stated the object of the convention to be the election of three commissioners of public buildings, in pursuance of an act of the Legislative Assembly, when the following nominations were made.

Mr. Childs, nominated Lester H. Cotton, of Dane.

Mr. Churchill, nominated David Jackson, of Milwaukee.

Mr. Martin, nominated Randall Wilcox, of Brown.

Mr. Prentiss nominated Nathaniel C. Prentiss, of Milwaukee.

Mr. Brigham, nominated James L. Thayer, of Jefferson.

Mr. Brunson, nominated Campbell Brymer, of Crawford.

Mr. Whiton, nominated Jesse Meacham, of Walworth.

Mr. Conroe, nominated Simeon Mills, of Dane.

Mr. Jenkins, nominated Cromwell Lloyd, of Iowa.

Mr. Shackelford, nominated Orlin S. Truesdell, of Brown.

Mr. Sholes, nominated Ebenezer Childs, of Brown.

The two Houses then proceeded to a first ballot, and the votes having been canvassed by Messrs. Brigham and Childs, tellers, the following was the result:

There were thirty three votes polled, of which

Mr. Lester H. Cotton, received thirteen votes.

Simeon Mills, fourteen.

David Jackson, four.

Mr. Randall Wilcox, eight.
" Nathaniel C. Prentiss, eleven.
" James L. Thayer, seventeen.
" Jesse Meacham, nine.
" Cromwell Lloyd, seven.
" Campbell Brymer, eight.
" Ebenezer Childs, two.
" A. A. Bird, two.
" Orlin S. Truesdell, one.
" E. Brigham, one.
" John F. O'Neil, one.

On motion of Mr. Shew,

The convention proceeded to a second ballot, which resulted as follows:

There were thirty three votes polled, of which

Mr. Lester H. Cotton received twelve votes.
" David Jackson, two.
" Randall Wilcox, seven.
" N. C. Prentiss, thirteen.
" Campbell Brymer, six.
" Jesse Meacham, three.
" Simeon Mills, thirteen.
" Cromwell Lloyd, seven.

Neither of the candidates voted for, having received a majority of votes, there was not a choice.

On motion of Mr. Prentiss,

The convention proceeded to a third ballot.

Result of the third ballot.

Mr. Lester H. Cotton, received fifteen votes.
" N. C. Prentiss fifteen.
" Simeon Mills, fifteen.
" Randall Wilcox, eight.
" Cromwell Lloyd, five.
" Campbell Brymer, three.
" David Jackson, one.
" J. H. D. Street, one.

No election.

On motion of Mr. Billings,

The two Houses proceeded to a further ballot as follows:

Mr. Nathaniel C. Prentiss, received seventeen votes.
" Lester H. Cotton, fifteen votes.
" Randall Wilcox, ten.
" Simeon Mills, fourteen,
" Cromwell Lloyd, four.
" Campbell Brymer three.

Nathaniel C. Prentiss having received a majority of all the votes was declared to be duly elected.

On motion of Mr. Prentiss,

The two Houses proceeded to ballot a fifth time and the following was the result.

Mr. L. H. Cotton, received twelve votes.
" Simeon Mills, twelve.
" Randall Wilcox, seven.
" Cromwell Lloyd, one.
" Campbell Brymer, one.

There being no election the two Houses, on motion of Mr. Strong, proceeded to a sixth ballot.

Result of the sixth ballot.

Mr. Cotton, received seventeen votes.
" Simeon Mills, fourteen.
" Randall Wilcox, one.

Lester H. Cotton was declared to be duly elected.

On motion of Mr. Prentiss,

The Convention adjourned.

The House of Representatives was then called to order by the Speaker.

Mr. Childs reported that the Houses had elected Nathaniel C. Prentiss, James L. Thayer and Lester H. Cotton, commissioners of public buildings.

On motion of Mr. Sholes,

The House adjourned until 3 o'clock, P. M.

3 O'CLOCK P. M.

Bill No. 70, entitled "A bill to incorporate the Pecatonica navigation company," returned from the Council with amendments, was taken up and the amendments concurred in.

Ordered, That the Council be informed thereof.

Mr. Childs, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 76. "A bill to provide for the punishment of offences against chastity, morality, and decency."

The said bill was then read the third time and the title thereof agreed to.

Ordered, That the Council be requested to concur therein.

Mr. Sholes, from the committee on enrolled bills, reported the following to be correctly enrolled, viz:

"An act concerning district surveyors."

An act to authorize Albert G. Ellis and others to erect a dam on Rock river and for other purposes."

"An act to provide for the preservation of the public health."

"An act concerning fences and fence viewers."

"An act to provide for the punishment of offences against public policy."

"An act concerning corporations"

"An act to prevent forcible entries and detainers."

The Speaker signed the said several acts and ordered them to be presented to the President of the Council for his signature.

On motion of Mr. Sholes,

The House resolved itself into the committee of the whole, Mr. Shackelford in the chair, for the consideration of the following, viz:

No. 94, (H. R. F.) entitled "A bill to repeal an act entitled an act to incorporate the bank of Milwaukee," and

No. 14. "Resolution providing for the distribution of the maps of the Territory."

After some time the committee rose and by their chairman reported the said bill without, and the resolution with an amendment.

The report of the committee was agreed to.

The resolution No. 14 was then ordered to a third reading.

Mr. Shew moved that bill No. 94 be indefinitely postponed, and the ayes and noes being called for were as follows:

Ayes.—Messrs. Baldwin, Bracken, Childs, Churchill, Cruson, McGregor, Sholes, Shackelford, and Shew.—9.

Noes.—Messrs. Blackstone, Beardsley, Billings, Brunson, Conroe, Dewey, Jenkins, Skinner, Story, Street, Whiton, and Barber, speaker.—12.

On motion, the said bill was referred to the following select committee, viz: Messrs. Bracken, Story, and Billings.

Resolution No. 14 was then read the third time, when Mr. Sholes moved the following amendment, by inserting "one to the Secretary of the Territory," which was agreed to.

The said resolution was then passed and the title thereof agreed to.

Mr. Childs, from the committee to which the subject was referred, made the following report, which was agreed to.

"The committee to whom was referred the subject of the disagreeing vote of the two Houses in relation to bill No. 91, entitled "A bill to regulate fisheries," have conferred with the committee appointed on the part of the Council, who have agreed to recommend to that body to recede from their amendments."

On motion of Mr. Shew,

The House resolved itself into the committee of the whole, Mr. Childs in the chair, for the consideration of bill No. 69, (C. F.) entitled "A bill to repeal the acts therein mentioned."

After some time the committee rose and by their chairman reported the said bill to the House, and asked leave to sit again this evening.

Leave was granted.

Mr. Bracken, from the select committee to which was referred bill No. 94, entitled "A bill to repeal an act entitled an act to incorporate the bank of Milwaukee," reported the same back to the House with amendments thereto.

The report of the committee was adopted, and the said bill was read the second time.

On motion of Mr. Shackelford,

Resolved, That the Governor of the Territory be requested to furnish to this House such communications as may have been received by him from the Secretary of War, relative to the removal of the Winnebago Indians.

Ordered, That the chief Clerk transmit a copy of the said resolution to the Governor of the Territory.

Mr. Sholes, from the committee on enrolled bills, reported that he had on to-day presented to the Governor for his approval the following:

"An act making general provisions concerning crimes and punishments."

"An act to provide for the election of county treasurers, and to define their duties and powers."

"An act to prescribe the tenure of office of auctioneers and to levy a duty upon sales at auction in certain cases," and

"An act to incorporate the Mineral Point copper and lead smelting and mining company."

An act to authorize Albert G. Ellis and others to erect a dam on Rock river and for other purposes."

"An act concerning corporations."

"An act to prevent forcible entries and detainers."

"An act concerning district surveyors."

"An act concerning fences and fence viewers."

"An act to provide for the preservation of the public health."

"An act to provide for the punishment of offences against public policy."

On motion of Mr. Skinner,

The House adjourned until 7 o'clock, P. M.

7 O'CLOCK P. M.

On motion of Mr. Baldwin,

The House went into the committee of the whole on the following bills, Mr. Sholes in the chair, viz:

No. 69. "A bill to repeal the acts therein mentioned," and

No. 94. "Preamble and bill to repeal an act entitled an act to incorporate the stockholders of the bank of Milwaukee."

After some time the committee rose and reported bill No. 69 with, and No. 94 without amendment.

The report was agreed to, and bill No. 94 was ordered to be engrossed for the third reading.

Bill No. 69 was ordered to a third reading, and was read the third time, passed, the title thereof agreed to.

Ordered, That the Council be acquainted therewith.

Mr. Sholes, from the committee on enrolled bills, reported the following to be correctly enrolled, which was signed by the Speaker and ordered to be presented to the President of the Council for his signature, viz:

"An act to organize the county of Dane and Fond du Lac, and for other purposes."

"An act to provide for the relief of the poor," and

"An act relative to limited partnership."

Mr. Childs, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

No. 94. "Preamble and bill to repeal an act entitled an act to incorporate the stockholders of the bank of Milwaukee."

Mr. Childs moved that the rule prohibiting bills from being read the second and third time on the same day be suspended in reference to bill No. 94, which was agreed to, Ayes 16, Noes 5, as follows:

Ayes.—Messrs. Blackstone, Baldwin, Brunson, Childs, Conroe, Churchill, Cruson, Carver, Dewey, Jenkins, Sholes, Shackelford, Skinner, Story, Street, and Whiton.—16.

Noes.—Messrs. Beardsley, Bracken, McGregor, Shew, and Barber, speaker.—5.

The said bill was then read the third time, and on the question "Shall the bill pass?" the ayes and noes were as follows:

Ayes.—Messrs. Blackstone, Baldwin, Bracken, Brunson, Conroe, Cruson, Carver, Dewey, Jenkins, Sholes, Skinner, Story, Street, and Whiton.—14.

Nays.—Messrs. Beardsley, Childs, Churchill, McGregor, Shackelford, Shew, and Barber, speaker.—7.

So the bill passed and the title was agreed to.

Ordered, That the Council be requested to concur therein.

The following message was received from the Council by the Secretary thereof.

Mr. Speaker.—The Council have passed No. 15, entitled "Resolution relating to printing local laws and journals," and have concurred in the following bills of this House, with amendments to each, viz:

No. 53. "A bill regulating taverns and groceries."

No. 66. "A bill concerning the lien of mechanics and others for the costs of repairs and improvements on real estate."

No. 69. "A bill relating to estrays."

No. 75. "A bill to provide for the punishment of offences against chastity, morality, and decency."

No. 82. "A bill to prevent certain animals from running at large."

No. 92. "A bill to incorporate the Mississippi Marine and Fire Insurance company."

The Council have also concurred in the amendments of this House to the amendments of the Council to bill No. 77, (H. R. F.) entitled "A bill for assessing and collecting county revenue;" and in all the amendments of this House to No. 14, entitled "Resolution to provide for the distribution of the maps of this Territory."

And then he withdrew.

On motion of Mr. Carver,

Resolution No. 15, entitled "Resolution relating to the printing of the local laws and journals," was indefinitely postponed.

Bill No. 53, entitled "A bill regulating taverns and groceries," returned from the Council, was taken up.

The amendments of the Council were disagreed to, except the third which was concurred in.

The following bills, returned from the Council with amendments, were considered and the amendments concurred in, viz:

No. 66. "A bill concerning the lien of mechanics and others, for the cost of repairs and improvements on real estate."

No. 82. "A bill to prevent certain animals from running at large."

No. 97. "A bill to incorporate the Mississippi Marine and Fire Insurance company."

The amendments to the following bills were non-concurred in, viz:

No. 69. "A bill relating to estrays."

No. 75. "A bill to provide for the punishment of offences against chastity, morality, and decency."

Ordered; That the Council be informed thereof.

Message from the Council by the Secretary thereof.

Mr. Speaker.—The Council have adopted the reports of the joint committee of conference in relation to the disagreeing votes of the two Houses on the following bills of this House, viz:

No. 55. "A bill relating to the bank of Wisconsin and requiring its officers to close and settle its affairs," and

No. 91. "A bill regulating fisheries."

And then he withdrew.

The House adopted the joint report of the committee of conference relating to bill No. 55, entitled "A bill relating to the bank of Wisconsin, and requiring its officers to close and settle its affairs."

Ordered, That the Council be acquainted therewith.

Mr. Sholes, from the committee on enrolled bills, reported the following to be correctly enrolled, which was signed by the Speaker and ordered to be presented to the President of the Council for his signature, viz:

"Resolution providing for the distribution of the maps of the Territory."

On motion of Mr. Baldwin,

The House adjourned until 9 o'clock, A. M. on to-morrow.

SATURDAY, MARCH 9, 1839.

The Speaker laid before the House a message from the Governor notifying the House that he did on this day examine and approve the following acts, to wit:

"An requiring certain officers to keep their offices at the county seat."

"An act making general provisions concerning crimes and punishments.

"An act to incorporate the Mineral Point copper and lead smelting and mining company."

"An act to prescribe the tenure of office of auctioneers, and to levy a duty upon sales at auction in certain cases."

"An act to provide for the preservation of the public health."

"An act concerning fences and fence viewers."

"An act concerning district surveyors."

"An act concerning corporations."

"An act to authorize Albert G. Ellis and others to erect a dam on Rock river, and for other purposes."

"An act to provide for the punishment of offences against public policy."

"An act to prevent forcible entries and detainers," and

"An act to prevent the commission of crimes."

The Speaker laid before the House the following message from the Executive:

EXECUTIVE DEPARTMENT,
Madison, March 9, 1839.

To the Hon. Lucius I. Barber,
Speaker of the House of Representatives:

SIR:—I have received the following resolution from the House of Representatives: "Resolved, That the Governor of the Territory, be requested to furnished to this House such communications ~~as may~~ have been received by him from the Secretary of War, relative to the removal of the Winnebago Indians." In reply I would state that I have received no communications from the Secretary of War, on the subject of the above resolution.

Very respectfully,
Your obedient servant,
HENRY DODGE.

Mr. Sholes, from the committee on engrossed bills, reported the following to be correctly engrossed, viz:

"An act to incorporate the Milwaukee Manufacturing and Hydraulic company."

"An act to provide for the election of Registers of Deeds and to define their duties and powers."

Mr. Street, from the committee on enrolled bills, reported the following to be correctly enrolled, viz:

"An act to permit certain animals to run at large."

"An act to provide for laying out certain Territorial roads therein named," and

"An act relating to the bank of Wisconsin, and requiring its officers to close and settle its affairs."

The Speaker signed the said acts and ordered that they be presented to the President of the Council for his signature.

Mr. Whiton presented the account of John Catlin, which was referred to the committee on expenses.

Mr. Shackelford offered the following resolution, viz:

"Resolved, That the Governor of the Territory be requested to furnish to this House a copy of a letter from the Secretary of War, dated February 14, 1839, of a public nature, if he deem it consistent with the public interest so to do."

Mr. Sholes offered the following amendment, viz:

"Strike out all after the word "requested," in the second line, and insert the following:

"If he shall receive any communication before the close of the present session, from the Secretary of War, of an important public nature in relation to the Winnebago Indians, to transmit the same to this House, and if he receive such communication after the close of the session, that he be requested to publish such parts of the same as he may deem proper."

The ayes and noes were called for on the adoption of the amendment, and were taken as follows:

Ayes.—Messrs. Blackstone, Beardsley, Billings, Baldwin, Bracken, Brunson, Childs, Carver, Jenkins, McGregor, Sholes, Shew, Skinner, Whiton, and Barber, speaker.—15.

Noes.—Messrs. Conroe, Churchill, Cruson, Dewey, Shackelford, and Street.—6.

So the amendment was adopted.

On the adoption of the resolution as amended, the ayes and noes being called for were as follows:

Ayes.—Messrs. Blackstone, Billings, Baldwin, Bracken, Brunson, Childs, Dewey, Jenkins, Sholes, Shackelford, Shew, Street, and Whiton.—14.

Noes.—Messrs. Beardsley, Conroe, Churchill, Cruson, Carver, McGregor, Skinner, and Barber, speaker.—8.

So the resolution as amended was adopted.

Mr. Sholes, from the committee on enrolled bills, reported the following to be correctly enrolled, viz:

"An act concerning proceedings of courts of record."

Which was signed by the Speaker and ordered to be presented to the President of the Council for his signature.

Mr. Blackstone presented the accounts of Lucius I. Barber and others, which were referred to the committee on expenses.

Mr. Childs presented the accounts of J. A. Noonan and C. Lloyd for stationery, which were referred to the committee on expenses.

Mr. Sholes gave notice that he did on this day present to the Governor for his examination and approval the following acts, to wit:

"An act to organize the counties of Dane and Fond du Lac, and for other purposes."

"An act to provide for the relief of the poor."

"An act relative to limited partnership."

Mr. Baldwin, from the committee on expenses, to whom was referred bill No. 96, entitled "A bill to provide for the compensation of the officers of the Legislative Assembly, and for other purposes," reported the same back to the House with amendments thereto.

The said bill was then read the second time, and—

On motion of Mr. Shew,

The House resolved itself into the committee of the whole on said bill, Mr. Skinner in the chair.

After some time the committee rose and by their chairman, reported progress made therein, and asked leave to sit again this afternoon.

Leave was granted.

The following message was received by the Secretary thereof:

"Mr. Speaker:—The Council have concurred in all the amendments to bill No. 99, entitled "A bill to repeal the acts therein mentioned," except the first, which they have amended—have receded from their disagreeing vote to bill No. 69, of this House, entitled "A bill relating to estrays," and have insisted on all their amendments to the following bills from the House of Representatives, to which amendments the Council had disagreed, viz:

No. 53. "A bill relating to taverns and groceries," and

No. 75. "A bill to provide for the punishment of offences against chastity, morality, and decency."

The Governor has notified the Council that he did this day examine and approve the following:

"An act to provide for establishing the seat of justice of Green county," and

"An act to change the corporate limits and powers of the town of Green Bay."

And then he withdrew.

Mr. Sholes, from the same committee, reported the following acts to be correctly enrolled:

"An act to provide for the punishment of offences against public justice."

"An act respecting judgments in criminal cases, and the execution thereof."

"An act concerning the lien of mechanics and others, for the costs of repairs and improvements on real estate."

"An act to provide for the appointment of agents to demand fugitives from justice, and from issuing search warrants."

"An act concerning coroners and constables."

"An act to define the general powers of counties, and for other purposes."

Mr. Street, from the same committee, reported "An act concerning justices of the peace," to be correctly enrolled.

The said acts were signed by the Speaker and ordered to be presented to the President of the Council for his signature.

On motion of Mr. Billings,

The House adjourned until 2 o'clock, P. M.

2 O'CLOCK P. M.

On motion of Mr. Churchill,

The roll was called and absent members sent for.

Mr. Street, from the committee on enrolled bills, reported the following to be correctly enrolled, viz:

"A bill to incorporate the Mississippi Marine and Fire Insurance company."

Mr. Sholes, from the same committee, reported the following acts to be correctly enrolled:

"An act relating to estrays."

"An act to incorporate the Pecatonica navigation company," and

"An regulating fisheries."

The said acts were signed by the Speaker and ordered to be presented to the President of the Council for his signature.

The House receded from their non-concurrence in the amendments of the Council to the following bills, viz:

No. 69. (C. F.) "A bill to repeal the acts therein mentioned," and

No. 75. "A bill to provide for the punishment of offences against chastity, modesty and decency."

The House also receded from their non-concurrence in the first, third, and fourth amendments of the Council, and refused to recede from their non-concurrence in the second amendment to bill No. 53, entitled "A bill relating to taverns and groceries."

Ordered, That the Council be informed thereof.

The Speaker laid before the House the following communication:

SECRETARY'S OFFICE, March 9, 1839.

To the Hon. the Legislative Assembly:

GENTLEMEN:—Herewith I present you with the seals made in obedience to a resolution of your body.

I have the honor to be,
Very respectfully,
Your obedient servant,
W. B. SLAUGHTER,
Secretary of Wisconsin Territory.

Mr. Childs presented the seals referred to in the foregoing communication.

Mr. Street gave notice that he did on this day present to the Governor for his examination and approval,

"An act to provide for the election of Registers of Deeds and to define their duties and powers."

"An act relating to the bank of Wisconsin, and requiring its officers to close and settle its affairs."

"An act to permit certain animals to run at large."

"An act to provide for laying out certain Territorial roads therein named," and

"An act to incorporate the Milwaukee Manufacturing and Hydraulic company."

"Mr. Speaker:—The Council have concurred in the joint resolution of this House No. 9, entitled "Joint resolution relating to the printing of the local laws of the Legislative Assembly," with amendments, and have insisted on their amendment to bill No. 53, (H. R. F.) entitled "A bill regulating taverns and groceries," to which this House had disagreed, and have requested a conference thereon.

"Messrs. Rountree and Prentiss have been appointed the committee.

"The Council have passed resolution No. 16, entitled "A resolution relating to seals," in which I am directed to ask the concurrence of this House."

And then he withdrew.

On motion of Mr. Shew,

The House went into the committee of the whole on bill No. 96, entitled "A bill to provide for the compensation of the officers of the Legislative Assembly, and for other purposes."

After some time the committee rose, reported progress, and asked leave to sit again this evening.

Leave was granted.

Mr. Sholes, from the committee on enrolled bills, reported the following to be correctly enrolled, viz:

"A bill to provide for the printing and distribution of the laws."

"A bill concerning the supreme and district courts."

Mr. Street, from the same committee, reported

"A bill to provide for the punishment of offences against chastity, morality, and decency."

The account of J. A. Noonan, for printing, was referred to the following select committee, viz: Messrs. Story, Sholes, and Street.

Messrs. Billings and Whiton were appointed a committee of conference on the disagreeing vote of the two Houses on bill No. 53, entitled "A bill regulating taverns and groceries."

Ordered, That the Council be informed thereof.

The House concurred in the amendments of the Council to resolution No. 9, entitled "Resolution relating to the printing of the local laws of the Legislative Assembly."

Ordered, That the Council be informed thereof.

Mr. Jenkins offered the following resolution, which was adopted:

"Resolved, That H. B. Welsh and H. Plowman, of Mineral Point, be employed to print the Journals of the House of Representatives of the present session, and that they be required to deliver two hundred copies of the same, double stitched, with substantial paper covers, to the Secretary of the Territory, on or before the first day of the next session of the Legislature, at the usual price."

Mr. Sholes gave notice that he did on to-day present to the Governor for his approval the following acts, viz:

"An act to define the general powers of counties, and for other purposes."

"An act concerning justices of the peace."

"An act to provide for the punishment of offences against public justice."

"An act to incorporate the Pecatonica navigation company."

"An act relating to estrays."

"An act relating to fisheries."

"An act respecting judgments in criminal cases, and the execution thereof."

"An act concerning the lien of mechanics and others, for the costs of repairs and improvements on real estate."

"An act concerning coroners and constables."

The House adjourned until 7 o'clock, P. M.

7 O'CLOCK P. M.

A call of the House was made and absent members sent for.

Resolution No. 16, from the Council, entitled "A resolution relative to seals," was read the first and second time.

On motion of Mr. Shackelford,

The said resolution was read the third time, passed, and the title thereof agreed to, by special order of the House all rules being suspended for that purpose.

Ordered, That the Council be acquainted therewith.

Mr. Story, from the committee to which the subject was referred, made the following report:

"The committee to whom was referred the account of Josiah A. Noonan, for printing at the present session, beg leave to report: That they could make but a very cursory examination of the above account in the short space of time to which they were restricted, and that they were therefore in general unable to decide on the reasonableness of the charges therein made. The price charged is two dollars and fifty cents per thousand ems, but whether the number of ems are in general properly stated, your committee are unable to say. Their number, however, generally, we believe, is stated in round numbers.

In two cases the committee have found charges made for extra copies, viz: nine hundred extra copies of the Governor's message, charge eighteen dollars. Also, four hundred extra copies of the report of the United States Attorney, relating to the ground on which the capitol stands, charged fifty dollars; neither of which charges your committee think should be allowed.

There is also a charge for folding, stitching, and covering the journals of twenty-five dollars, which Mr. Noonan has informed the committee was not intended to be inserted in the account. Also a charge of twenty-five dollars for printing "A bill concerning the construction of statutes," which bill was printed for the Council and not for the House; both of which your committee therefore recommend to be stricken out of the account."

The report was adopted and the committee discharged.

Mr. Whiton, from the committee of conference to whom the subject was referred, made the following report, which was adopted and the committee discharged.

The committee of conference appointed by the House to act in conjunction with a similar committee appointed by the Council on the disagreeing vote of the two Houses in relation to bill No. 58, (H. R. F.) report that the said committee have agreed to recommend to the two Houses to substitute for the amendment adopted by the Council the following: strike out the word "there," in the twelfth line of section 3, and insert in place thereof the word "six," strike out in the 15th line of the same section the word "twenty," and insert the word "seventy."

Ordered, That the Council be acquainted therewith.

On motion of Mr. Baldwin,

The House went into the committee of the whole on bill No. 96, entitled "A bill to provide for the compensation of the officers of the Legislative Assembly, and for other purposes," Mr. Whiton in the chair.

After some time the committee rose and reported the bill with amendments, which were agreed to.

The said bill was then ordered to be engrossed.

Mr. Street, from the committee on enrolled bills, reported the following to be correctly enrolled, which was signed by the Speaker and ordered to be presented to the President of the Council for his signature, viz:

"Joint resolution relating to the printing the laws and journals of the last and present session of the Legislative Assembly."

"An act to provide for the arrest and examination of offenders, commitment for trial, and taking bail."

"An act for assessing and collecting county revenue," and

"An act to change the corporate limits and powers of the town of Milwaukee."

Mr. Cruson offered the following resolution, which was read and adopted.

Resolved, by the Council and House of Representatives of the Territory of Wisconsin, That the fifteenth joint rule adopted for the government of the two Houses, be rescinded.

Ordered, That the Council be requested to concur therein.

On motion of Mr. Story,

The House took a recess for fifteen minutes.

The time for which the House took a recess having elapsed, the Speaker called the House to order, and submitted a communication from the Governor covering a letter from the Secretary of War, relating to the removal of the Winnebago Indians. (See Appendix, document D.)

The said communication was read and laid on the table.

Mr. Billings, from the committee on engrossed bills, reported bill No. 96, entitled "A bill to provide for the compensation of the officers of the Legislative Assembly, and for other purposes."

The said bill was then read the third time, passed, and the title agreed to.

Ordered, That the Council be requested to concur therein.

Mr. Story offered resolution No. 11, relating to the reprinting of the local laws in force on the 25th day of November last.

And the ayes and noes being called on receiving the said resolution were as follows;

Ayes.—Messrs. Blackstone, Beardsley, Billings, Brunson, Churchill, Cruson, Jenkins, Skinner, Story, Street, and Barber, speaker.—11.

Nays.—Messrs. Carver, Conroe, Dewey, McGregor, Shackelford, and Shew—6.

So the resolution was rejected, the rules requiring a majority of two thirds of the members present to receive any new business.

Mr. Street gave notice that he had on to day presented to the Governor for his approval the following, viz:

"An act to change the corporate limits and powers of the town of Milwaukee."

"An act to provide for the arrest and examination of officers commitment for trial, and taking bail."

"An act for for assessing county revenues."

Mr. Jenkins offered the following resolution:

Resolved, by the House of Representatives, That the course proposed to be pursued by the Governor of the Territory in his last message towards the Winnebago Indians, is the only efficient means of securing peace on our frontier, and that the ability and prudence of the Governor gives full faith that his future movements will be so taken as to protect the citizens of the Territory without endangering the interest of the United States or oppressing the Indians.

Mr. Shackelford moved the following amendment:

Amend the resolution by adding after the word "frontier," in the fifth line, the following:

"The instructions of the Secretary of War to the contrary notwithstanding."

Ayes.—Mr. Shackelford.

Noes.—Messrs. Blackstone, Beardsley, Billings, Brunson, Conroe, Churchill, Cruson, Dewey, Jenkins, McGregor, Shew, Skinner, Story, Street, and Barber, speaker.—15.

The ayes and noes were then taken on agreeing to the resolution and were as follows:

Ayes.—Messrs. Blackstone, Beardsley, Billings, Brunson, Churchill, Cruson, Carver, Jenkins, Skinner, Story, Street and Barber speaker,—12.

Noes.—Messrs. Conroe, Dewey, McGregor, Shackelford and Shew,—5.

On motion of Mr. McGregor,

The House adjourned until Monday, half past 7 o'clock, A. M.

MONDAY, MARCH 11, 1839.

A call of the House was made and the absent members sent for.

On motion of Mr. Dewey,

Leave of absence was granted to Messrs. Street and Brunson.

Mr. Sholes from the committee on enrolled bills, reported the following to be correctly enrolled, viz:

"An act concerning costs and fees."

"An act to repeal the acts therein mentioned."

"An act relative to the sessions of the Legislative Assembly."

"An act regulating taverns and groceries."

"An act concerning judgments and executions," and

A resolution relative to seals.

The Speaker signed the said several acts and resolution and ordered them to be presented to the President of the Council for his signature.

The Speaker laid before the House a message from the Executive stating that on to-day he had examined and approved the following bills, viz:

"An act to incorporate the Milwaukee hydraulic and manufacturing company."

"An act to provide for the election of Registers of deeds, and to define their duties."

"An act relating to the Bank of Wisconsin and requiring its officers to close and settle its affairs."

"An act to provide for laying out certain territorial roads therein named.

"An act to organize the counties of Dane and Fon du Lac, and for other purposes."

"An act to provide for the relief of the poor."

"An act to permit certain animals to run at large."

"An act relative to limited partnerships."

"An act to provide for the punishment of offences against public justice."

"An act to define the general powers of counties, and for other purposes."

"An act concerning coroners and constables."

"An act to incorporate the Pekatonica navigation company."

"An act relating to estrays."

"An act regulating fisheries."

"An act respecting judgments in criminal cases and the execution thereof."

"An act to provide for the punishment of offences against chastity, modesty and decency."

"An act concerning the lien of mechanics and others for the costs and repairs and improvements on real estate."

"An act for assessing and collecting county revenue."

"An act to incorporate the Mississippi marine and fire insurance company."

"An act to provide for the arrest and examination of offenders, commitment for trial and taking bail; and

"Joint resolution relating to the printing of the local laws of the Legislative Assembly."

Message from the Council by the Secretary.

"Mr. Speaker,—The Council have passed bill No. 73, entitled, "A bill supplimentary to an act concerning judgments and executions," and have concurred in bill No. 94, of this House, entitled "preamble and bill to repeal an act entitled an act to incorporate the stockholders of the Bank of Milwaukee," and resolution to rescind the 15th joint rule.

The Council have adopted the report of the joint committee of conference in relation to the disagreeing vote of the two Houses on bill No. 53, entitled a bill regulating taverns and groceries.

The Governor has notified the Council that he did this day examine and approve the following:

"An act concerning supreme and district courts;"

"An act to provide for the printing and distribution of the laws;"

Resolution providing for the distribution of the maps of the Territory."

And then he withdrew,

Bill No. 73 from the Council, entitled, "A bill supplementary to an act, concerning judgments and executions," was read the first and second time.

Mr. Sholes gave notice, that he presented to the Governor on to-day, for his approval, "An act concerning taverns and groceries."

Mr. Sholes, from the committee on enrolled bills, reported "Preamble and act to repeal an act entitled an act to incorporate the stockholders of the Bank of Milwaukee," to be correctly enrolled.

The Speaker signed the said act and ordered it to be presented to the President of the Council for his signature.

Mr. Story moved that bill 73 be indefinitely postponed, entitled, "A bill supplementary to an act concerning judgments and executions," and the ayes and noes being called, were as follows:

Ayes,—Messrs. Blackstone, Beardsley, Baldwin, Bracken, Conroe, Churchill, Carver, Dewey, McGregor, Story and Whiton,—11.

Noes,—Messrs. Billings, Childs, Jenkins, Shackelford, Shew, Skinner and Barber speaker,—7.

Ordered that the Council be informed thereof.

On motion of Mr. Baldwin,
The House adjourned until 11 o'clock, A. M.

11 O'CLOCK A. M.

The House was called to order pursuant to adjournment, and
On motion of Mr. Churchill,
Adjourned until 2 o'clock, P. M.

2 O'CLOCK P. M.

The roll was called and the absent members sent for.

Mr. Carver asked leave to introduce a bill, which was not granted, ayes 11, noes 7.

The ayes and noes being called, those who voted in the affirmative, are Messsrs. Blackstone, Billings, Baldwin, Childs, Carver, Jenkins, Sholes, Skinner, Story, Whiton and Barber speaker,—11.

Noes,—Messrs. Beardsley, Conroe, Churchill, Dewey, McGregor, Shackelford and Shew,—7.

The Speaker laid before the House a communication from the Secretary of the Territory, relating to remarks made by the delegate in Congress, concerning the Secretary.

Mr. Sholes presented a newspaper, containing the remarks alluded to in the communication, and moved that they be read.

Mr. Shackelford, said he should insist on the reading of the whole paper, if a part was read.

Mr. Sholes moved the communication and paper be rejected, and the ayes and noes being called, were as follows:

Ayes.—Messrs. Beardsley, Childs, Dewey, McGregor, Sholes, Shackelford and Shew.—7.

Noes.—Messrs. Blackstone, Billings, Baldwin, Churchill, Carver, Jenkins, Skinner, Story and Whiton.—9.

Mr. Sholes then moved that the subject be laid on the table, and the ayes and noes were as follows:

Ayes,—Messrs. Beardsley, Childs, Dewey, McGregor, Sholes, Shackelford, Shew, Whiton and Barber, speaker,—9.

Noes,—Messrs. Blackstone, Billings, Baldwin, Churchill, Carver, Jenkins, Skinner and Story,--8.

Mr. Story offered resolution No. 12, entitled "Resolution relative to the revised statutes," which was read the first and second time.

The said resolution was then read the third time, passed, and title agreed to, by special order of the House, all rules being suspended for that purpose.

Ordered, that the Council be requested to concur therein.

On motion of Mr. Carver,

The House adjourned until 4 o'clock, P. M.

4 O'CLOCK, P. M.

The Speaker laid before the House a message from the Executive stating that he had on to-day approved the following, viz:

"An act concerning justices of the peace."

"An act regulating taverns and groceries."

"Preamble and act to repeal an act entitled an act to incorporate the stockholders of the bank of Milwaukee."

Message from the Council by the Secretary."

"Mr. Speaker,—The Council have concurred in bill No. 96, of this House, with amendments, and also No. 12, "joint resolution relative to the revised statutes"—in which amendments concurrence of this House is requested."

The House then took up bill 96, entitled "a bill to provide for the compensation of the officers of the Legislative Assembly, and for other purposes," returned from the Council with amendments.

It was proposed to amend the amendment in the appropriation to Moses M. Strong by allowing him two hundred dollars for services and the ayes and noes being called, were as follows:

Ayes,—Messrs. Blackstone, Billings, Baldwin, Bracken, Conroe, Churchill, Carver and Jenkins,—8.

Noes,—Messrs. Beardsley, Childs, Dewey, McGregor, Shackelford, Shew, Skinner, Story, Whiton and Barber (speaker,)—10.

The House concurred in allowing said Strong one hundred and twenty-four dollars.

In the appropriation to Wm. B. Slaughter for rent of office and postage, a motion was made to strike out the amendment and the ayes and noes being called, were as follows:

Ayes,—Messrs. Beardsley, Dewey, McGregor, Shew, Story, Whiton and Barber,—7.

Noes,—Messrs. Blackstone, Billings, Baldwin, Bracken, Childs, Conroe, Churchill, Jenkins, Sholes, Shackelford and Skinner,—11.

The amendment was then non-concurred in.

On the question of agreeing to the amendment allowing to Wm. B. Slaughter his expenses in going to Milwaukee to collect the draft of the Secretary of the Territory, the ayes and noes were as follows:

Ayes,—Messrs. Blackstone, Beardsley, Billings, Carver, Dewey, McGregor, Sholes, Shew, Skinner, Story, Whiton and Barber (speaker.)—12.

Noes,—Messrs. Baldwin, Bracken, Childs, Conroe, Churchill, Jenkins, Shackelford,—7.

Mr. Dewey moved to strike out in the allowance to J. A. Noonan nine thousand and insert six thousand, and pending the question thereon.

The House adjourned until 7 o'clock, P. M.

7 O'CLOCK P. M.

The House resumed the consideration of bill No. 96.

Mr. Dewey renewed his motion.

A call of the House was made and the absent members sent for.

The motion was then laid on the table.

In the appropriation to J. C. Dinnies and company, the House struck out four hundred and inserted two hundred and forty-nine.

The amendment to John Atchison allowing him three hundred and seventy-five dollars was amended by striking out three hundred and seventy-five and inserting one hundred and eighteen.

Mr. Dewey called up the motion relating to the account of J. A. Noonan, and

The question was put on striking out nine thousand dollars and inserting six thousand, and the ayes and noes being called were as follows:

Ayes.—Messrs. Beardsley, Dewey, McGregor, Shew, Skinner, Story, and Barber, speaker.—7.

Noes.—Messrs. Blackstone, Billings, Baldwin, Bracken. Childs, Conroe, Churchill, Carver, Jenkins, Sholes, Shackelford, and Whiton.—12.

The amendment was then concurred in.

A motion was made to reconsider the vote allowing to Wm. B. Slaughter his expenses in collecting a draft on Milwaukee, and the ayes and noes being called were as follows:

Ayes.—Messrs. Blackstone, Billings, Baldwin, Bracken, Childs, Conroe, Churchill, Carver, Jenkins, Shackelford, Skinner, Whiton, and Barber, speaker.—13.

Noes.—Messrs. Beardsley, Dewey, McGregor, Sholes, Shew, and Story.—6.

Ordered, That the Council be informed thereof.

The House adjourned until 9 o'clock, P. M.

9 O'CLOCK P. M.

The following message was received from the Council by the Secretary:

"Mr. Speaker:—The Council have receded from their first, second, and twelfth amendments to bill No. 96 (of this House) entitled "A bill to provide for the compensation of the officers of the Legislative Assembly, and for other purposes;" have concurred in the amendments of this House to the seventh, fourteenth, and fifteenth amendments of the Council; have disagreed to the amendment of this House to the thirteenth amendment of the Council; and havei nsisted upon the eighth, ninth, and eleventh amendments to which this House had disagreed; and I am directed to request a conference thereon.

"Messrs. Strong and Prentiss have been appointed the committee on the part of the Council."

And then he withdrew.

On motion of Mr. Whiton,

Ordered, That a committee of conference be appointed on the part of this House to confer with the committee appointed on the part of the Council, on the disagreeing votes of the two Houses on bill No. 96.

The Speaker appointed Messrs. Whiton and Baldwin the said committee.

Mr. Sholes from the committee on enrolled bills, reported joint resolution relative to the revised statutes, to be correctly enrolled.

The Speaker signed the said resolution and ordered it to be presented to the President of the Council for his signature.

Mr. Whiton from the committee to whom the subject was referred, made the following report, which was adopted:

"The committee of conference appointed by the House of Representatives together with the committee appointed by the Council on the disagreeing votes of the two Houses to bill 96, entitled "A bill to provide for the compensation of the officers of the Legislative Assembly," report that they have agreed to recommend to the House of Representatives to recede from their vote disagreeing to amendment No. 13, made by the Council; that as to amendment No. 11, that it be amended by retaining the first item thereof; that as to the 8th amendment, the paragraph be retained and the word "four," before hundred, be struck out and the word "two" inserted in place thereof; and that as to the 9th amendment, the paragraph be retained, and the words "one hundred" be stricken out, and the word "fifty" inserted instead thereof."

Ordered, That the Council be acquainted therewith.

The Secretary of the Council being introduced delivered the following message:

"Mr. Speaker:—The Council have adopted the report of the joint committee of conference in relation to the disagreeing vote of the two Houses on bill No. 96, entitled "A bill to provide for the compensation of the officers of the Legislative Assembly, and for other purposes."

And then he withdrew.

Mr. Conroe offered the following resolution:

Resolved, That in the opinion of the House of Representatives the failure and neglect to have the laws passed at previous sessions of the Legislature printed and distributed, is not attributable in any way to default on the part of Wm. B. Slaughter, Secretary of the Territory, but is owing to the fact that the Legislature have given the contracts for the printing to individuals who have failed to comply therewith.

The ayes and noes being called on adopting the resolution were as follows:

Ayes.—Messrs. Blackstone, Billings, Baldwin, Childs, Conroe, Churchill, Jenkins, Shackelford, Skinner, and Barber, speaker.—10.

Noes.—Messrs. Beardsley, Dewey, McGregor, Sholes, Shew and Story—6.

So the resolution was adopted.

Mr. Sholes, from the committee on enrolled bills, reported "An act to provide for the compensation of the officers of the Legislative Assembly, and for other purposes," to be correctly enrolled, which was signed by the Speaker and ordered to be presented to the President of the Council for his signature.

The Speaker laid before the House a message from the Governor, stating that he had on this day approved "Joint resolution relating to the revised statutes," and "An act to provide for the compensation of the officers of the Legislative Assembly, and for other purposes."

On motion of Mr. Childs,

Resolved, That a select committee of two be appointed on the part of this House to act in conjunction with a similar committee to be appointed on the part of the Council, to wait on his Excellency the Governor, and inquire of him if he has any further communication to lay before either branch of the Legislature at its present session.

The Speaker apppointed Messrs. Childs and Billings the said committee.

Ordered, That the Council be informed thereof.

Message from the Council by the Secretary:

"Mr. Speaker:—Messrs. Martin and Strong have been appointed a committee on the part of the Council to act in conjunction with a similar committee from this House, to wait on his Excellency the Governor, to ascertain if he has any further communication to make to them."

Mr. Childs, from the committee appointed to wait upon the Governor, &c., reported that the committee had performed the duty assigned them, and that his Excellency the Governor had no further communications to make to the Legislative Assembly at its present session.

Messrs. Whiton and Story were appointed a committee to inform the Council that the House of Representatives were now ready to adjourn.

Messrs. Irwin and Prentiss from the Council were introduced, and informed the House that the Council were through with their business, and were ready to adjourn.

Mr. Whiton, from the committee appointed to inform the Council that the House of Representatives have no further business before it, reported that the committee had performed that duty.

On motion of Mr. Baldwin,

The following resolution was unanimously adopted, Mr. Blackstone in the chair.

Resolved, That the thanks of this House be tendered to the Hon. Lucius I. Barber, for the able and very satisfactory manner in which he has performed the duties of presiding officer, during the present session.

The Speaker thereupon rose, and addressed the House as follows:

"GENTLEMEN:—As we are now about to separate, I cannot permit this opportunity to pass without making a few remarks expressive of my feelings on this interesting occasion.

"The period of time which we have passed together, has been a short, but an interesting and important one. On our acts, gentlemen, during this period, much of good or ill depends. We have been acting, not for ourselves merely, nor for our own private interests: we have been acting, not for the present alone, but also for the future. Thousands, nay, millions yet unborn will participate in the benefits, or share in the evils which will result from our legislative acts.

"If, however, we have 'a mind conscious of right;' if we can carry with us the consciousness of having discharged our duty; of having assisted in establishing good and wholesome laws for this young and growing Territory; laws which will protect the rights, and promote the interests of all its citizens; of having done all in our power to render stable the institutions of our country, we shall have abundant cause for self-gratulation; and if, in addition to this, we have the good fortune to receive the approbation of our constituents, we shall be amply rewarded. That this reward may be yours, gentlemen, is my sincere desire.

"For the flattering compliment conveyed in your resolution, I am more indebted to your partiality and kindness than to my own merit. In endeavoring to discharge the high and responsible duties of the chair, I am sensible that I have often erred.

"When I accepted the station, I did so with extreme diffidence of my qualifications, but, at the same time, I expressed to you the confidence I then felt, that you would grant me your aid and indulgence in time of need. This confidence was not misplaced. For your uniform courtesy and kind indulgence, gentlemen, accept my thanks, together with my best wishes for your happiness and prosperity in all future time."

On motion of Mr. Billings,

The House adjourned sine die.

APPENDIX.

APPENDIX.

Document No. 1.

To the Honorable the Legislative Assembly
of the Territory of Wisconsin:

Having been appointed Fiscal Agent of the Legislative Assembly, by a joint resolution of the two branches, approved December 10, 1838, with authority "to borrow in gold or silver, or the notes of the Bank of Illinois or its branches, or the notes of the Bank of Missouri, for the use of the Legislature, fifteen thousand dollars," I have the honor to submit the following

REPORT

Of the manner in which I have discharged the duties imposed upon me by the resolution alluded to.

On the eleventh day of December, having previously executed a bond to the Governor for the use of the Territory in the sum of twenty-five thousand dollars, with three securities to his satisfaction, I applied to the cashier of the bank of

Mineral Point, to be informed whether I could borrow from that bank fifteen thousand dollars, or any part of it, (and if so, what part,) in the medium and upon the terms indicated in the resolution of the Legislative Assembly. In answer to my request I was informed by the cashier, that he must decline making the loan. I then immediately went to Galena, and made the same application to the officers of the branch of the State Bank of Illinois, at that place, who in like manner declined making the loan. I then applied to the officers of the State Bank of Illinois at Springfield, who would not consent to increase their circulation in the manner I had requested, and therefore declined the loan.

There seemed to me, then, to be no resort left but to apply to the State Bank of Missouri. I accordingly repaired to St. Louis, and, on the 24th of December, presented an application to the officers of the Bank, for a loan, for the term of ninety days, of the sum of fifteen thousand dollars, but I was informed by the President of the bank, that, most unfortunately for my application, the bank had, on the same day, been applied to by the Legislature of the State of Missouri for a loan of one hundred and fifty thousand dollars, which they had decided to make, and but for that circumstance, they would most cheerfully have accommodated the Territory with the loan I had desired. The only reason assigned by either of the banks in Illinois or Missouri, to which I had applied, for declining to make the loan, was an unwillingness at this time further to extend their circulation.

Having for that reason been unsuccessful in all my previous applications to banks, it seemed to me probable that an application to any other bank would meet with no better success. I therefore applied to Messrs. Collier & Pettus, of St. Louis, who consented to make the loan in the notes of the Commercial Bank of Cincinnati, provided I would assure them that I would distribute the same money that I should receive among the members of the Legislative Assembly and other persons authorized by law to receive it. This species of money, although perfectly current at St. Louis, and in all parts of Illinois and Wisconsin, and although I could have exchanged it, if I had felt at liberty to do so, for Illinois or Missouri money, was not such as I felt authorized to receive in exchange for a pledge of the faith of the Territory. Under all the circumstances of the case, and having failed in all my efforts to obtain the loan by confining myself within the authority conferred by the resolutions, it appeared to me apparent that the object of the Legislative Assembly, as expressed in their resolutions, would be frustrated, if I were to confine myself to the strict letter of my authority, I therefore determined to assume the responsibilty of exceeding the authority conferred upon me, and proposed to Messrs. Collier & Pettus that I would take of them a part of the loan in notes of the Commercial Bank of Cincinnati, and the remainder in notes of the Illinois banks, and we finally concluded upon an arrangement by which I received of them fifteen thousand dollars in the following description of money, to wit:

Notes of the Bank of Illinois, (Shawneetown,) and its branches, which were authorized by the resolution - - - - - -	$920 00
Notes of the State Bank of Illinois, (Springfield,) and its branches, which were not authorized by the resolution - - - - - -	3,080 00
Notes of the Commercial Bank of Cincinnati, which were not authorized by the resolution -	11,000 00
Total, - - - - -	$15,000 00

And in consideration thereof I promised to pay to them the sum of fifteen thousand dollars, in ninety days from the 26th of December, with interest at the rate of seven per cent. per annum, as by a copy of my agreement to them herewith submitted will appear. I was fully sensible, as were also Messrs. Collier & Pettus that this arrangement was one that I had no authority to make, and consequently was not obligatory upon the Territory, unless ratified by the Legislative Assembly; but was only binding upon me, and as a protection to myself, I received from them an agreement, a copy of which I herewith submit, to cancel the contract, if the Legislative Assembly should refuse to ratify it, provided I returned the same funds within thirty days from the time of the contract, which I supposed would give me ample time, not anticipating so early a termination of the session. I have therefore the honor to request that the Legislature, at its earliest convenience, will, by resolution, express its approbation and consent of the loan made by me.

I have the honor also to call the attention of the Legislative Assembly to the fact, that the resolution appointing me their Fiscal Agent, makes the duration of that appointment dependant upon their pleasure, while the same resolution seems to confine my duties under the appointment to the session which terminated on the 22d of December, in order that they may take such action upon the subject as they think expedient.

With high respect,
I have the honor to be,
Your obedient servant,
MOSES M. STRONG.

Whereas I, Moses M. Strong, have been appointed Fiscal Agent of the Legislative Assembly of Wisconsin Territory, with authority to borrow, for the use of the said Legislative Assembly, on the faith of the Territory, fifteen thousand dollars, and whereas Collier & Pettus, of the city of St. Louis, in the State of Missouri, have loaned to said Territory said sum. Now, therefore, I, by virtue of the aforesaid authority vested in me as the Fiscal Agent of said Legislative Assembly promise to pay to the said Collier & Pettus, or order, the sum of fifteen thousand dollars, in ninety days from this date, with interest on the same from this day at the rate of seven per cent. per annum, for value received, for which payment well and truly to be made, according to the tenor hereof, I do hereby, by virtue of the aforesaid authority pledge the faith of said Territory.

Dated at St. Louis, this 26th day of December, A. D. 1838.
MOSES M. STRONG.

St. Louis, December 26, 1838.

Moses M. Strong, Esq.:

In the loan of fifteen thousand dollars this day made to you as the Fiscal Agent of the Legislative Assembly of the Territory of Wisconsin, a portion of the funds paid you are such as are not contemplated in the authority given you by their resolution.

If the Legislative Assembly refuse to ratify the contract made with us on account of your departure from the strict letter of your instructions, you are at liberty, within thirty days from this date, to return the same funds paid you, and we will cancel the contract.

Respectfully,
COLLIER & PETTUS.

No. 2.

Letter of J. G. Edwards relating to the printing of the laws.

BURLINGTON, IOWA,
December 17, 1838.

To the Honorable the Speaker
Of the House of Representatives of Wisconsin:

SIR:—I have this evening delivered to Mr. Long 56 copies of the Wisconsin laws of the last winter and June sessions. The resolution which passed your honorable body would have been most cheerfully complied with on my part, had I been certain that the Legislature would have received the laws in pamphlet form. In order to ascertain this, and have the laws distributed during the present session of the Legislature, I have taken the liberty, on two previous occasions, to address you, sir, on the subject; once through the politeness of Mr. Black, and one by mail. I have also written to the President of the Council, and to his Excellency Governor Dodge I have repeatedly written on the same subject. To none of these has there been a reply received; and the only intimation given me that the Legislature would receive the laws in pamphlet form, was through the resolution handed me by your special messenger, Mr. Long. As it is, I am obliged to send them in pamphlets without covers, there being no book-binder here, and no suitable paper if I could cover them in a proper manner. Supposing there would be anxiety to receive them in any shape for Legislative purposes, I selected these from among some extra copies which I printed for my own use. These, I hope, will answer until I can proceed to St. Louis, where a large portion of the edition called for by the Legislature have been sent for binding, and have the remainder done up, and without delay forward that portion to which Wisconsin is entitled to Madison, before the Legislature adjourns.

My former communications to the Legislature will show the embarrassments to which I have been subject, and the causes thereof. I have done every thing, as I think those communications will clearly show, to fulfil my part of the contract, as far as the nature of the case would admit.

My necessity compels me again to call your attention to the expense I have incurred in printing the laws, and as they have been considerable, I hope the honorable Legislature will cause an order to be made out for at least one thousand dollars in my favor, in such a shape as to enable me to realize that sum immediately. There is also a balance due me, according to appropriation bill, of one hundred dollars, for printing the laws in the "Fort Madison Patriot."

Hon. sir, by bringing before the honorable body over whom you preside, the above communication, you will much oblige

Your obedient servant,

JAMES G. EDWARDS.

No. 3.

REPORT OF THE UNITED STATES ATTORNEY FOR THE TERRITORY OF WISCONSIN IN RELATION TO THE TITLE TO THE GROUND ON WHICH THE CAPITOL STANDS.

To the Honorable Legislative Assembly of the Territory of Wisconsin:

In pursuance of a resolution of the "Council and House of Representatives, that the District Attorney of the United States for the Territory of Wisconsin, be requested to examine and report to the Legislative Assembly, as soon as practicable, whether the said Territory has a title to the ground on which the Capitol thereof stands; and if not, in whom the title is, together with such other facts in relation thereto as to him may seem expedient,"—I have the honor to submit the following

REPORT:

The building occupied by the Legislative Assembly as the Capitol of the Territory is erected upon fractional sections, thirteen, fourteen, twenty-three and twenty-four, in town seven of range nine east, of the fourth Principal Meridian, the corner of those sections being a few feet within its walls. Those sections, (with the exception of a part of section twenty-three extending more than half a mile west and south-west from the Capitol,) together with several other tracts of land east of and adjacent to them, were entered at the land office at Green Bay on the 6th of April, A. D. 1836, in the joint names of James Duane Doty, of Green Bay, and Stevens T. Mason, of Detroit, Michigan, as will appear from the certificate of H. Fletcher, clerk in the Register's Office at Milwaukee, a copy of which is hereunto annexed, marked "A."

I have not been able to learn whether a patent for the lands has been issued; but by a law of the territory entitled "An act in relation to the evidences of title to lands in the Territory of Wisconsin," approved on the 9th day of December, A. D. 1836, the title to those tracts of land immediately upon the entry became vested in the said Doty and Mason jointly as tenants in common.

On the first day of May, A. D. 1836, the said Doty "sold, assigned, released and transferred," unto the said Mason all his "right, title and interest in and to the several tracts of land" above described, as will more fully appear by reference to a copy of said deed, hereunto annexed marked "B."

This conveyance vested the entire title to all the lands entered in the joint names of Doty and Mason, in Stevens T. Mason, and I have not been able to learn from the records that he ever parted with any portion of that title to any of the lands until March, 1837, when he conveyed an undivided interest in all of them to Kentzing Pritchette, to which conveyance I will presently advert.

As coming appropriately within the sphere of the duties enjoined upon me by the last clause of the Resolution, I will now advert to some matters which I find upon record, that perhaps may have an important bearing upon this subject.

On the 28th day of May, 1836, the said Mason executed to the said Doty a power of attorney, authorizing him "to divide, lay off, or otherwise dispose of my [his] interest in, and portion of, certain lands jointly owned by said Doty and myself [himself] at or near the Four Lakes of Wisconsin, in such manner as in his discretion the joint interests of both may require," as will more fully appear by reference to a copy of said power of attorney hereunto annexed, marked "C."

On the 7th day of May, 1836, Francis R. Tillou, of the city of New York, executed to the said Doty a power of attorney authorizing him "to attend to, manage, conduct all such matters and things as are or shall be, requisite and proper to be done by me [him, Tillou] in and about any and all such lands in the said Territory (North Western Territory of the United

States) as now are or shall hereafter belong to me [him] or be in my [his] name, any where in the said Territory, including full power to make such arrangements with others in the premises, as he may deem proper, and to allow such other persons to associate in regard to said lands, on such terms and under such regulations or modifications, and to such extent as he shall deem proper, in fact to have plenary to do all things in the premises, which shall be proper and requisite, giving and granting unto my [his] said attorney, full power and authority, to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all interests and purposes as I [he] might or could do if personally present, &c." as will more fully appear by reference to a copy of said power of attorney hereunto annexed, marked "D."

Certain "articles of agreement and association" were drawn up, purporting to have been made on the 1st day of June, 1836, establishing an association by the name of the "Four Lake Company" for certain purposes therein expressed. A copy of the articles is annexed marked "E," from an examination of which, the object of the association, and the rights, duties, and obligations of it, and its trustee, can be more fully learned.

On the 1st of June, 1836, an indenture in writing was entered into by the said Mason and Tillou by J. D. Doty, their attorney, parties of the first part, and James D. Doty, trustee of the Four Lake company, party of the second part and his heirs and assigns, several tracts of land, particularly described in said deed, a copy of which is hereunto annexed, marked "F," embracing all of said lands which were entered, in the joint names of Doty and Mason, and subsequently sold by Doty to Mason, except a large portion of section twenty-three; and also lots No. 1, 2 and 3, of section 7 in town 7, of range 10 east, containing 97 22-100 acres, which were entered, October 7, 1835, by Francis R. Tillou.

It appears, from the certificate of the surveyor, that at some time previous to 27th October, 1836, the lands described in the deed last aforesaid, together with some other lands in said section twenty-three, entered by Aaron Vanderpool, of Kinderhook, N. Y., were laid off into lots, blocks, streets, reservations and public square, and that a plat of the same was, on the said 27th of October, 1836, acknowledged by the said Doty, in his individual capacity and as his own act, "to be a correct plat of the town of Madison, situated between the Third and Fourth of the Four lakes, in the Territory of Wisconsin;" which certificate of the surveyor and acknowledgment, together with a plat of the town of Madison, upon which they were written were, on the fifth day of May, 1837, recorded in the office of the register of deeds for Iowa county, and a certified copy of them is hereunto annexed, marked "G."

Subsequent to that acknowledgment, a plat of the town of Madison, with the same certificate of the surveyor upon it, was recorded in the office of the register of deeds for Milwaukee county, upon which is endorsed the following: "I, James Duane Doty, as agent, trustee and attorney of the Four Lake company, and of the stockholders thereof, do hereby, on the part and behalf of the said stockholders, the proprietors of the town of Madison, in the county of Milwaukee, and Territory of Wisconsin, acknowledge the plat hereunto annexed to be a true plat of the said town of Madison, according to the certificate of the surveyor, J. V. Suydam. The public square, as thereon exhibited, being a donation to the public for Territorial and county purposes, as a site for the public buildings.

JAMES DUANE DOTY.

"Belmont, Nov. 4, 1836."

"*County of Brown, ss.*

"The preceding acknowledgment was taken and made before me, this 2d day of January, 1837, by James D. Doty.

"CHARLES C. P. ARNDT, Not. Public."

A certified copy of said certificate and acknowgledment as recorded in Milwaukee county is hereunto annexed, marked "H."

The public-square, laid out upon said plat, is situated upon said sections, thirteen, fourteen, twenty-three, and twenty-four, the corner of those sections (and consequently the Capitol) being in the centre of said public-square.

The foregoing is a concise statement of all the deeds or other writings which I have been able to find affecting the title to the ground on which the Capitol stands, or other property in Madison, except some executed since the passage of your resolution, to which I will presently advert. I have ascertained from personal inspection that there are no others on record in Iowa county, and I addressed a letter to the register of deeds of Milwaukee county, requesting him to send me copies of all on record in his office; he sent me copies of those annexed, marked "B," "F," and "H," without informing me whether there were any others, but I infer, if there had been, he would have sent copies of them.

Hence the first inquiry that presents itself is, whether these deeds or writings vest any title in the Territory "to the ground on which the Capitol thereof stand; and, if not, in whom the title is."

The title to this property, as has been already stated, is in Mr. Mason, (by virtue of his original entry and deed from Mr. Doty, of 1st May, 1836,) unless he has in some manner parted with it. The only one of the deeds and papers alluded to, which purports in any manner to convey from Mr. Mason to any person the title, is the deed before alluded to, marked "F," from Mason and Tillou to Doty, trustee of the Four Lake company, dated June 1, 1836, which does not purport to convey any part of section twenty-three, except the east half of Lot No. 3, leaving all the east half of that section (upon which the Capitol stands,) still in Mr. Mason.

Then it becomes necessary to enqire what is the legal effect and operation of that deed; whether it vests any title to the land described in it, in any person or persons; and if so, *in whom?* One of three propositions is most apparently true.

It vests no title to the lands described in it, in any person;

Or, it vests the title in Mr. Doty, in his individual capacity;

Or, it vests it in him as the agent and for the use of the Four Lake Company.

A careful examination of the subject in all its bearings, seem inevitably to lead to the conclusion, that it does not vest any title in any person. A particular statement in detail of all the reasons leading to this conclusion, would make this report more voluminous than the Legislative Assembly probably intended it should be, hence they will be stated in a summary manner.

1st. The deed is executed by virtue of two powers of attorney, one from Mr. Mason, the other from Mr. Tillou; and no powers can be exercised, different from and not authorised by the letter of attorney.

2d. The power of attorney from Tillou no where gives any *express* power to *sell;* if there is any such power, it arises from implication. The power of attorney from Mason only gives authority "to divide, lay off, or otherwise dispose of;" and it would be a strained construction to deduce, from that language, an authority to sell, unless the words "dispose of," if used in the deed, would amount to a sale. So that, if a *sale* is not authorized by the powers of attorney, the deed is void.

3d. The lands in relation to which *any* authority was given by the power of attorney from Tillou, are situated in the "North West Territory," and cannot strictly be said to be these lands; but as there was no such Territory, and as it is evident that the Territory in which Green Bay is situated was the one intended, we must infer that Wisconsin Territory (or Michigan Territory, as it was then,) was intended. But Mr. Mason, in giving Mr. Doty a power of attorney, confines his authority to "certain lands jointly owned by said Doty and myself, [himself,] at or near the Four Lakes of Wisconsin."

To what lands this power of attorney applies, I am not aware; but it is most evident that it cannot apply to the lands described in this deed, or any part of them, as Mr. Mason did not then own these lands *jointly* with Mr. Doty, but owned the *entire* estate in them; Mr. Doty having, on the first of May, deeded his interest in them to Mr. Mason.

4th. The powers of attorney have neither of them but one witness.

5th. The deed purports to be a *joint* conveyance of lands, in which the grantors (Mason and Tillou) claim to be *jointly* interested: but it appears from the certificate of Mr. Fletcher, marked "A," and the deed from Mr. Doty to Mr. Mason, marked "B," that Tillou owned in severalty lots 1, 2, and 3, of section 7, in town 7, of range 10 east; and that Mason owned in severalty all of the residue of the lands mentioned in the deed.

For these reasons, I am brought to the conclusion that the deed does not vest any title to the lands described in it, in any person; but is a nullity.

If this conclusion, however, is erroneous, the inquiry presents itself, in which capacity does Mr. Doty take the title? In his private individual capacity, or as the agent and for the use of the Four Lake company? This question appears to me to admit of more doubt than any other which has arisen, and it would seem that Mr. Doty himself was not free from doubt upon the subject, as he acknowledges the town plat which is recorded in Milwaukee county, "as the agent, trustee, and attorney of the Four Lake company," and of the stockholders thereof; while the plat which was recorded in May, 1837, in Iowa county, is acknowledged by him in his individual capacity and as his own act.

In pursuing this enquiry, many interesting and perhaps doubtful questions arise, as to the rights, privileges and duties, in relation to holding and conveying real estate, of copartnerships formed for the express purpose of buying and selling land, making towns and cities (on paper) and otherwise trading in that species of property. It is sufficient for the purpose of this investigation to know, that such a co-partnership cannot legitimately hold or convey real estate, except in the names of the several co-partners. And if a conveyance was made to one of several co-partners, (as in this case,) although expressed to be as agent for the others, it would invest the legal estate in him, although his co-partners could, by resorting to a court of chancery, compel him to convey to them their shares. Hence the conclusion cannot be avoided, that if the deed vests any title in any person it is in Mr. Doty in his individual capacity; and it is strengthened by the whole phraseology of the deed, which conveys the premises to the party of the second part, *and his heirs and assigns forever*, and throughout the deed the same mode of expression is adopted.

If the deed then vests in Mr. Doty, in his individual capacity, whatever title is conveyed by it, a

6th objection is presented in the enquiry, whether a person in executing an authority deputed to him of conveying land, can make a valid conveyance to himself? Or in other words, whether there is two contracting parties to such an instrument?

And if this latter be a fatal objection to the deed, then

7th. If the conveyance vested the title in him as the agent or trustee of the Four Lake company, he being one of the members of that company, the deed is just as certainly, though not perhaps as palpably void, as in the latter case.

8th. If the deed vests the title in Mr. Doty as a trustee of the Four Lake company, then the enquiry is presented, whether, as such trustee, he has any authority to record a town plat? No such authority is expressly given by the articles—and if it exists, it must either be incident to the agency itself, or be deduced trom the general authority given by the 6th article, "to do all lawful acts and things that may be necessary or proper to carry into effect the objects of this association."

9th. An objection to the title is presented in the enquiry, whether there is any such co-partnership or association as the Four Lake company?" All that can be learned from the public records in relation to the enquiry, is that a printed copy of the articles before alluded to, marked "E," in pamphlet form, is inserted among the deeds, &c. in Iowa county. The caption of the articles describes them thus: "Indentures and articles of agreement and association, made this first day of June, in the year of our Lord one thousand eight hundred and thirty six, by and between the several persons *whose names and seals are hereunto subscribed and annexed.*" The second of these articles declares that "all persons who shall subscribe for one or more shares of said capital *by signing and sealing this indenture*, &c., shall be members of this association." There are no names or seals subscribed or annexed to the "indenture and articles of association," they are not signed or sealed by any person, and hence the inference is, that there is no such association.

The foregoing remarks and enquiries have all been based upon the supposition, that the deeds were really executed at the time they purport to have been, and that they took effect from the time of their dates respectively. But if they are to be considered as taking effect either on the 28th day of November, 1836, the time of the acknowledgment, or the 5th of May, 1837, the time of the recording, it cannot materially affect the question, especially so far as the Territory is concerned for the acknowledgment of the town plat by means of which alone the Territory derives title to the public square, (if at all) was made, as recorded in Iowa county on the 27th day of October, 1837, and, as recorded in Milwaukee county, on the 4th day of November, before either the acknowledgment or recording of either of the deeds.

And supposing the deed from Mr. Doty to Mr. Mason not to have taken effect, and to have had no legal existence, at the time the deed from Mason and Tillou to Doty took effect, (if it took effect at all,) still all the objections above suggested to this latter deed retain their full force, except the last clause of the third. And upon this supposition it is open to the additional objection, that the lands mentioned in the deed, are not described as the joint property of Doty and Mason, as they would be if Doty's deed to Mason was not in existence.

And again, if the deed from Mason and Tillou took effect before the deed from Doty to Mason, and if it vested the title in Doty, then the title is all vested in Mason by operation of the deed from Doty to him, marked "B," which must take effect at some time. But it is difficult to imagine any process of reasoning from the premises, which can at the same time deprive the first of these deeds (from Doty to Mason) of legal existence, and give it to another.

So that the result of the whole enquiry seems to be, that Mr. Mason acquired the title to the half of these lands by the original entry; that he acquired the title to the other half, by virtue of the deed from Mr. Doty, dated May 1, 1836, marked "B" thus vesting in him the *whole* title. That he has never so far as we have examined, parted with that title; the only deed which purports to convey any part of it (the deed from Tillou and Mason to Doty) being void for the reasons already stated; and therefore, that neither of the acknowledgments of either of the town plats, by Mr. Doty, vests any title to the public square in the Territory.

On the 21st of March, 1837, as before remarked, Stevens T. Mason executed to Kentzing Pritchette a deed of the undivided half of all his interest in the lands in question, which he describes to be an equal interest in the undivided half part of them, a copy of which deed is hereunto annexed, marked "I." Whether this deed vests in Mr. Pritchette the half or the quarter of these lands, is a question about which there might well be two opinions, and which it is unnecessary for the purpose of the present enquiry to decide.

Considering that the interests of the Territory imperatively required that the title to the ground on which the Capitol stands, together with such ground adjacent thereto as might be convenient, should be speedily secured to them, or that it should be known with certainty at an early day that it would not be, I lost no time in writing to Messrs. Mason and Pritchette, and on the 7th of January inst., I received from them a power of attorney authorizing me to convey the title to the Territory, (a copy of which is hereunto annexed marked K,) accompanied by a request that I would execute a conveyance agreeably to the authority given in the letter of attorney. Accordingly, on the 16th day of January inst., I executed to the Territory of Wisconsin a deed of the tract known and described as upon the plat, acknowledged by Mr. Doty as the public square, to be held by the Territory, until the organization of a State Government, with a reversion to the State when organized, a copy of which is hereunto annexed, marked "L," which secures to the Territory "a title to the ground on which the Capitol now stands."

The original of this latter deed is now in the office of the Register of Deeds of Iowa county, and will be deposited with the Treasurer of the Territory for safe keeping, unless otherwise ordered by the Legislative Assembly.

All which is respectfully submitted.

MOSES M. STRONG.
United States Attorney for Wisconsin Territory.

MADISON, JANUARY 23, 1839.

Copy of a certificate of H. Fletcher, Clerk in the office of the Register of the Land Office for the District of Milwaukee, of the entries of land near Madison, the seat of Government.

A.

Date.	No. of Certificate.	Name.	Residence.	Description of tract.	Sec.	T.	R.	Acres.
Oct. 28, 1835.	886	James D. Doty.	Brown county, W. T.	Lot No. 3 & S. E. qr. of S. E. qr. of	12	7	9	98 94-100
June 11, 1836.	1507	Lucius Lyon.	Kalamazoo co., M. T.	Lots 1 & 2 on N. E. fr. qr. of -	12	7	9	99 82-100
April 6, 1836.	1318	James D. Doty and Stevens T. Mason.	Michigan Territory.	Lot 4 in - - - - - -	12	7	9	
				Lots 1, 2, 3, & W. hf. of N. E. qr & N. E. qr. of N. E. qr. of - -	23	7	9	261 53-100
April 6, 1836.	1316	Same.	Do.	Whole of Fractional - - -	13	7	9	
				" - - - -	14	7	9	671 80-100
				" - - - -	24	7	9	
June 11, 1836.	1519	Warran Bryant.	Buffalo, N. Y.	W. hf. s. w. qr. of - - -	23	7	9	70 60-100
June 18, 1836.	1599	Aaron Vanderpoel.	Kinderhook, N. Y.	N. W. qr. of - - - -	23	7	9	160
June 18, 1836.	1487	Charles Walker.	Otsego co., N. Y.	N. hf. of S. E. qr. of - - -	6	7	10	215 84-100
April 6, 1836.	1317	Stevens T. Mason & James D. Doty.	Michigan Territory.	S. W. qr. of - - - -	6	7	10	231 30-100
				Lots 4 and 5 of - - -	7	7	10	
Oct. 7. 1835.	770	Francis R. Tillou.	New York.	Lots No. 1, 2, and 3 of - -	7	7	10	97 22-100

B.

Know all men by these presents, that I, James Duane Doty, of Astor, in the Territory of Wisconsin, for and in consideration of the sum of one dollar to me paid by Stephens T. Mason, have sold, assigned, released, and transferred, and by these presents do sell, assign, release, and transfer unto the said Stephens T. Mason, and to his assigns, all of my right, title, and interest in and to the several tracts of lands hereinafter mentioned, to wit: Fractional sections twelve, thirteen, fourteen, and twenty-four, the northeast quarter of the northeast quarter, and the west half of the northeast quarter, and lots No. one, two, and three, of section No. twenty-three, in township No. seven, north of range No. nine, east of the fourth principal meridian; and also the southwest fractional quarter of section No. six, and lots No. 4 and 5, (five,) of section No. seven, in township No. seven, of range No. ten, east, according to the public surveys; and situated in the county of Milwaukee, and Territory of Wisconsin. Together with all and singular, the hereditaments and appurtenances thereunto belonging, or in any wise appertaining: To have and to hold the said interest and estate of the said Doty unto the said Mason and his assigns forever.

In witness whereof, I have hereunto set my hand seal, this first day of May, one thousand eight hundred and thirty-six.

J. D. DOTY. [L. S.]

Signed, sealed, and delivered in presence of
GEORGE MCWILLIAMS,
H. MILLER,

TERRITORY OF WISCONSIN,}
County of Iowa, ss. }

I, Charles Dunn, chief justice of the Supreme court of the Territory of Wisconsin, do hereby certify that James D. Doty personally came before me on this 28th day of November, 1836, and acknowledged that he had executed the preceding instrument in writing for the purposes therein mentioned.

CHARLES DUNN,
Chief Justice Supreme Court W. T.

Recorded May 5th, 1837, at 11 o'clock A. M.

HENRY MESSERSMITH, *Register.*

Recorder's Office,
Mineral Point, Iowa co., W. T.

I do hereby certify, that the above and foregoing is a true copy taken from the Record Book C, of Deeds. pages 367.

HENRY MESSERSMITH, *Register.*

C.

Know all men by these presents, that I, Stevens T. Mason, of the city of Detroit, have made, constituted, and appointed, and by these presents do make, constitute and appoint, and in my name and place depute James D. Doty, of Green Bay, my true and lawful attorney, for me and in my name and stead, to divide, lay off, or otherwise dispose of my interest in and portion of certain land jointly owned by said Doty and myself, at or near the Four Lakes of Wisconsin, in such manner as in his discretion the joint interest of both may require. And generally to do all and every other act or acts, thing or things needful and necessary to be done in and about the premises, for me and in my name, as fully and complete as I, myself, might or could do, and I hereby ratify, allow and hold as effectual, all and whatsoever my said attorney shall lawfully do, in and about my premises, by virtue hereof.

In testimony whereof, I have hereunto set my hand and seal, this twenty-eighth day of May, A. D. 1836.

STEVENS T. MASON.

In presence of Jno. Winder.

TERRITORY OF MICHIGAN,
County of Wayne, ss.

On this 30th day of May, A. D. 1836, personally before the undersigned, a notary public of said county of Wayne, Stevens T. Mason, the maker of the within power of attorney, and acknowledge the same to be his act and deed for the purposes therein expressed.

Given under my hand and seal of office, at the city of Detroit, the day and year above written.

JOHN WINDER,
Notary Public, Wayne county, Michigan.

Recorded May 5th, 1837, at 11 o'clock, A. M.
HENRY MESSERSMITH, *Register.*

RECORDER'S OFFICE,
Mineral Point, Iowa co. W. T.

I do hereby certify that the above and foregoing is a true copy of the record taken from Book C, of Deeds, pages 364–5.

HENRY MESSERSMITH, *Register.*

D.

Know all men by these presents, that I, Francis Tillou, of the city of New York, have made, constituted, and appointed, and by these presents, do make, constitute, and appoint James D. Doty, of Green Bay, in the North Western Territory of the United States, my true and lawful attorney, for me and in my name, place, and stead, and to my use, to attend to, manage, conduct all such matters and things as are or shall be requisite and proper to be done by me, in and about any and all such lands in the said Territory, as now are, or shall hereafter belong to me, or be in my name, any where in the said Territory; including full power, to make such arrangements with others in the premises, as he may deem proper, and to allow such other persons to associate in regard to said lands, on such terms, and under such regulations or modifications, and to such extent as he shall deem proper—in fact to have plenary. To do all things in the premises which shall be proper and requisite, giving and granting unto my said attorney, full power and authority to do and perform all and every act and thing whatsoever, requisite and necessary to be done in and about the premises as fully to all intents and purposes, as I might or could do if personally present, with full power of substitution and revocation. Hereby ratifying and confirming all that my said attorney or his substitute shall lawfully do or cause to be done by virtue hereof.

In witness whereof, I have hereunto set my hand and seal, the seventh day of May, in the year of our Lord one thousand eight hundred and thirty-six.

F. R. TILLOU. [L. S.]

Sealed, and delivered in presence of
CHARLES EDWARDS.

UNITED STATES OF AMERICA, }
City and County of New York, ss. }

Be it known that on the seventh day of May, one thousand eight hundred and thirty-six, before me, Charles Edwards, public notary, in and for the State of New York, duly commissioned and sworn, dwelling in the city of New York, personally came Francis R. Tillou, above named and acknowledged the above letter of attorney to be his act and deed.

In testimony whereof I have hereunto subscribed my name, and affixed my seal of office, the day and year above written.

CHARLES EDWARDS, N. P., [L. S.]
33 Wall st.

Recorded May 5th, 1837, at 11 o'clock A. M.

RECORDER'S OFFICE, }
Mineral Point, Iowa co., W. T. }

I do hereby certify, that the above and foregoing is a true copy taken from Book C, of Deeds, pages 365, 366.

HENRY MESSERSMITH, *Register.*

E.

ARTICLES OF ASSOCIATION OF THE FOUR LAKE COMPANY.—June 1st, 1836.

James D. Doty, Trustee.

Articles of association, &c.

Indenture and articles of agreement and association made this first day of June, in the year of our Lord one thousand eight hundred and thirty-six, by and between the several persons whose names and seals are hereunto subscribed and annexed.

Article 1. The name and style of this association shall be, "The Four Lake Company," and its object shall be to raise monies to be employed for the benefit of the members of this association: in the purchase and sale of land situated on the borders and in the vicinity of the Four Lakes, in the Wisconsin Territory, to lay out a town on such part of said lands as shall be deemed most expedient; and to make such improvements thereon as shall be deemed for the benefit of such association.

Article 2. The capital stock of this association shall consist of two thousand four hundred dollars, to be divided into shares of one hundred dollars each. All persons who shall subscribe for one or more shares of said capital, by signing and sealing this indenture; and by paying to the trustee hereinafter named, the sum of one hundred dollars on each share so subscribed: And all persons who shall become the holders of any such shares, to transfer in the manner hereinafter provided, shall be members of this association.

Article 3. The capital, property, affairs, and concerns of this association, shall be managed by one trustee, who shall be a member of this association. James Duane Doty, of the county of Brown, shall be the first trustee, and he shall remain as trustee until the object of this association shall be finally closed; unless he shall die, resign, or be removed by a majority of the members of this association, or by competent judicial authority.

And the holders of each share shall be entitled to one vote on each share he may hold, in person or by proxy, on this and all other questions arising under these articles. A trustee may resign and discharge himself of the trust by instrument in writing, under his seal, and executing to the member selected as his successor, such conveyances, as may be necessary for the purposes of transferring the title to the property of the company then vested in him, subject to all of his legal liabilities, to account for his acts as such trustee. And whenever a trustee shall cease to hold one share of the said capital, his place shall be deemed to be vacant; and a vacancy shall be filled by such member as a majority of the members shall, by instrument in writing under their hands and seals appoint.

Article 4. The trustee shall keep a book in which shall be registered the names of all the members, and shall deliver to each member a certificate of the number of shares held by him in the following form: This certifies that   of   is proprietor of   shares of the capital stock and beneficial interests of the Four Lake Company, created and acquired, and hereafter to be created and acquired in pursuance of the indenture and articles of agreement and association entered into for the formation of the said company by the members thereof, and dated the first day of June, 1836. The sum of one hundred dollars has been paid on   said share, and the same subject to all of the provisions, convenants, and charges contained in said indenture, or authorized thereby, as will more fully appear by reference thereto, and also transferable by endorsement on the back hereof, and by delivery of this certificate.

Trustee.

The said shares may be transferred by the holder thereof, or his personal representatives, by endorsement under his hand and seal, provided the assignee shall, in person, or by his attorney, affix his name and seal to this indenture, and become a party thereto. The form of such endorsement shall be as follows:

For and in consideration of   I hereby assign and transfer to   of   and to his executors, administrators and assigns, all my right, title and interest in the within share of the capital and beneficial interests of the Four Lake Company, subject to all of the provisions, covenants and charges contained in the indenture constituting said company as authorized thereby.

The transfer shall be registered in the book kept by the trustee, the former certificate shall be delivered up and a new one issued in a similar form, except that every such new certificate shall designate the name of the original proprietor of the share or shares transferred; and thereafter the shareholdor making such transfer shall be released from all liability as a member of this association in respect to the shares so transferred, and shall not be entitled to any interest therein.

ARTICLE 5. The capital of this association, and the beneficial interests of the stockholders thereof, notwithstanding the conversion, of any part of the whole of the capital and other funds of the association into lands, shall be and are hereby declared and agreed to be personal property; and on the death of any shareholder, his share and interest shall go to his personal representatives, and not to his heirs at law, and such heirs at law shall, at no time, claim any interest, legal or equitable therein.

ARTICLE 6. The trustee of said company shall receive and take charge of all moneys which shall be paid on account of the capital of this association, or which shall accrue to the association from sales or in any other way, or to which it may become in any way entitled, and shall have power to sue for and collect the same. He shall have power to invest the capital of the association in the purchase of lands as aforesaid, and in the management and improvement of the same. To lease, sell and convey, from time to time, as he may find opportunity, any part or all of the lands to be purchased, and to take such securities for the purchase money as he shall think fit. To pay out of the funds of the association the compensation of the persons employed by him, and all taxes and other necessary expenses, for which purpose, if the association shall have no funds in his hands, he shall have power, after thirty days notice in the several papers printed in the said Territory, to require the stockholders to pay to him on each share of said capital, an instalment not exceeding twenty dollars on each share then held by the said stockholders respectively. To make dividends semi-annually, (commencing on the first Monday in January, 1837) to and among the several shareholders, of such profits as may accrue to the association, over and above the amount of its capital and debts, to make all contracts, and do all lawful acts and things that may be necessary or proper to carry into effect the objects of this association, and to appoint an attorney or attorneys, by instrument under his hand and seal, to execute any or all the duties and powers of the said trustee, including the execution and acknowledgment of deeds of conveyance for any lands owned or held by him as such trustee for this association.

ARTICLE 7. All conveyances to be taken by the trustee for land purchased or otherwise acquired by him under this indenture, shall be made to and in the name of such trustee, and in all such conveyances, as well as in all contracts to be made by him, he shall, after being named, be described as "trustee of the Four Lake Company," but as the design of inserting such description is only to facilitate the more easy identification of the premises purchased by the trustee for the benefit of this association, and not to affect the quality or nature of his estate in law or equity. No words creating a trust in said premises, shall be inserted in any conveyance; nor shall such description have that effect, or the Trustee regarded or considered as acting in any other capacity than as the agent of this association.

ARTICLE 8. The trustee shall keep regular books of account, in which his purchase and sales, and all his doings shall be entered, which books shall, at all times, be open to the inspection of every member of the association.

ARTICLE 9. Any trustee who shall be removed shall, within ten days after notice thereof, execute such conveyances and other instruments in writing, and under his seal, as may be necessary to invest his successor with all his interest and powers, and to carry these articles into effect.

ARTICLE 10. The several persons subscribing this indenture do hereby grant and convey to the trustee above named, and to all future trustees of this association, full power and authority to do all matters and things herein before expressed and provided for. And each person subscribing this indenture as an original member, or as the assignee of any share therein, does hereby express his assent to all the said provisions, and does also for himself, his heirs, executors and administrators, covenant, promise and agree, to and with each and every other member subscribing this indenture, and to and with the executors, administrators and assigns of every such person, that he, the said covenantor, his heirs, executors and administrators, will well and truly perform, fulfil and keep, as far as in them lies, all and singular the provisions herein contained; and that he and they, will do all and every act and thing that may be necessary, and that may be lawfully done, to give full effect to the object and intent of this association.

ARTICLE 11. On the expiration of ten years from the date thereof, the trustee for the time being, shall proceed to take measures for closing the concerns of this association; and, to this end, shall cause all effects and securities held by him or this association to be collected and converted into money; and all the property, of every description, then held for this association, to be equally divided among the share-holders, in proportion to the number of shares respectively held by them; or to be converted into money by sale or otherwise, as fast as the same can be done, and from time to time shall declare and pay to the said shareholders dividends thereon, until all the property and effects of the association shall be fully and justly divided among the holders of such shares.

ARTICLE 12. Meetings of the said shareholders shall be held at the seat of Government of said Territory, whenever six of the shareholders shall require the same, and notice thereof shall be given by the trustee. In testimony whereof, the original parties to these presents have hereunto interchangeably set their hands and seals, in duplicates, this first day of June, one thousand eight hundred and thirty-six; and the other parties to these presents, becoming members of this association by the transfer of shares therein, have severally set their hands and seals thereunto, at the times affixed tot heir respective names.

Recorded, May 5th, 1837.

RECORDER'S OFFICE,
Mineral Point, Iowa co., W. T.

I certify that the above and preceding is a true copy of the original on record in my office, from book C. on page 323, &c.

Attest, HENRY MESSERSMITH,

Register.

F.

This Indenture, made and entered into this first day of June in the year of our Lord one thousand eight hundred and thirty-six, between Stevens T. Mason of Detroit, and Francis R. Tillou of the county of New-York and State of New York, of the first part, and James Duane Doty, trustee of the Four Lake Company, of the county of Brown and Territory of Wisconsin, of the second part—witnesseth, that the said parties of the first part, for and in consideration of the sum of one dollar in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, his heirs and assigns forever, the following described pieces or parcels of land, situate, lying and being in the county of Milwaukee and Territory of Wisconsin, and known and designated on the plats of the township No. seven of ranges No. nine and ten east, as being fractional sections No. thirteen, fourteen, and twenty-four, and the east half of Lot No. (3) three, of section No. twenty-three, in township No. seven, range nine east; also, the south half of fractional section No. twelve in said township, being Lot No. (3) three and (4); and the south east quarter of the south east quarter in said section No. twelve; and also the whole of fractional section No. seven, and the south west quarter of section No. six, in township No. seven, of range No. ten aforesaid, containing, according to the public surveys, thirteen hundred and sixty acres, and seventy-nine hundredths of an acre, together with all and singular the appurtenances thereunto belonging, or in any wise appertaining to have and to hold the above described tracts or parcels of lands unto the said party of the second part, his heirs and assigns forever, and the said parties of the first part, to the aforesaid tracts or parcels of land and premises unto the said party of the second part, his heirs and assigns, against the claim or claims, of all and every person whatsoever, do and will warrant and forever defend. By these presents, in witness whereof the said parties of the second part have hereunto set their hands and affixed their seals, the day and year first above written.

STEVENS T. MASON, [L. S.]
By his Attorney J. D. DOTY.
FRANCIS R. TILLOU,
By his Attorney J. D. DOTY.

Signed, sealed and delivered, in presence of
THOS. A. B. BOYD,
GRANT GOODRICH,

TERRITORY OF WISCONSIN, }
Iowa County, ss. }

I, David Irvin, one of the associate judges of the Supreme Court in and for the Territory of Wisconsin, do certify that James D. Doty, whose signature appears to the foregoing deed of conveyance, and who is personally sworn to me to be the identical person who signed the same this day, appeared before me and acknowledged that he had signed, sealed and delivered the same as his free act and deed, and as the free act and deed of his constituents, Stevens T. Mason and Francis R. Tillou, for the uses and purposes therein expressed. In witness whereof I have hereunto set my hand at Belmont, this twenty-eighth day of November, A. D. 1836. D. IRVIN,
Associate Judge of the Supreme Court in and for Wisconsin Territory.

Recorded, May 5th, 1837, at 11 o'clock, A. M.
HENRY MESSERSMITH, Register.

RECORDER'S OFFICE, }
Mineral Point; Iowa Co. W. T. }

I hereby certify that the above and preceding is a true copy taken from the record in my office, Book C. pages 484—485.
HENRY MESSERSMITH, Register.

G.

PLAT OF THE TOWN OF MADISON, ON THE FOUR LAKES—July 1st, 1836.

All lots are 66 feet wide, and generally, 132 feet deep.

Surveyor's Office,
Brown Co. W. T.

I certify that I have carefully meandered and measured the exterior lines of the above plat of the town of Madison, excepting the outlet; and that the above is a true map according to the field notes on record in this office. All the avenues, except Sherman avenue, are 132 feet wide; all streets are 66 feet wide; all full square lots are 66 feet wide by 132 feet deep; all the blocks included within the borders of the Lakes and Franklin and Fulton avenues are high, dry, and well situated for building, except Nos. 166, 167, 190, 192, 194, 197, 187 and 216, and most of those are good meadow lands, being wet prairie.—The place for the canal is perfectly practicable, and the fall sufficient for good mills and other machinery.

JOHN V. SUYDAM,
District Surveyor, Brown County, W. T.

Green Bay, October 27, 1836.

I, James Duane Doty, do acknowledge this to be a correct plat of the town of Madison, situated between the third and fourth of the Four Lakes in the Territory of Wisconsin.

JAMES DUANE DOTY.

October 27th, 1836.

Taken and acknowledged before me, as I do certify under my hand and seal. WM. WHITE,
Justice of the Peace, Brown county.

The within named plat was received for record May 5, 1837.
HENRY MESSERSMITH *Register.*

Recorder's Office,
Mineral Point, Iowa co., W. T.

I hereby certify that the above acknowledgment and preceeding certificate is a true copy from the record in my office, as recorded in book C, on page 325.

JOHN MESSERSMITH, *Register.*

H.

Surveyor's Office,
Brown co., W. T.

I certify that I have carefully meandered and measured the exterior lines of the plat of the town of Madison, with the exception of the outlet, and that the above is a true map according to the field notes on record in this office.

All the avenues, except Sherman avenue, are 166 feet wide; all streets are 66 feet wide; all full lots are 66 feet wide by 132 feet deep; all the blocks included within the borders of the Lakes and Franklin and Fulton avenues, are high, dry, and well suited for building, except Nos. 166, 167, 191, 192, 194, 197, 187, and 216; and most of those are good meadow land, being wet prairie. The place for the canal is perfectly practicable, and the fall is sufficient for good mills and other machinery. The public square is 914 feet square, and is situated on an elevation of at least 50 feet, commanding a fine view of the whole plat and of both 3d and 4th lakes.

JOHN V. SUYDAM,
Green Bay, Oct. 27, 1836. *Dist. Sur. Brown county.*

I, James Duane Doty, as agent, trustee and attorney of the Four Lake Company and of the stockholders thereof, do hereby, on the part and behalf of the said stockholders, the proprietors of the town of Madison, in the county of Milwaukee, and Territory of Wisconsin, acknowledge the plat hereunto annexed to be a true plat of the said town of Madison, according to the certificate of the surveyor J. V. Suydam. The public square, as thereon exhibited, being a donation to the public for Territorial and county purposes as a site for the public buildings. JAMES DUANE DOTY.

Belmont, Nov. 4, 1836.

County of Brown, ss.

The preceding acknowledgement was taken and made before me, this 2d day of January, 1837, by James D. Doty.

CHAS. C. P. ARNDT, *Not. Public.*

TERRITORY OF WISCONSIN,
Register's Office, Milwaukee County, ss.

I, Cyrus Hawley, register of deeds for the county and Territory aforesaid, do hereby certify that the within are correct copies of the certificates endorsed on the plat of the town of Madison.

In testimony whereof, I have hereunto set my hand and affixed my official seal, this 16th day of January, A. D. 1839.

CYRUS HAWLEY, *Register.*

I.

This indenture, made the twenty-fifth day of March, in the year of our Lord one thousand eight hundred and thirty-seven, between Stevens T. Mason, of the city of Detroit, county of Wayne, and State of Michigan, of the first part, and Kentzing Pritchette, of the city, county, and State aforesaid, of the second part, witnesseth: That the said party of the first part, for and in consideration of the sum of three hundred and sixty-five dollars, lawful money, to him in hand paid by the said party of the second part, the receipt whereof is hereby confessed and acknowledged, hath granted, bargained, sold, remised, released, aliened, and confirmed, and by these presents doth grant, bargain, sell, remise, release, alien, and confirm, unto the said party of the second part, to his heirs and assigns forever, one undivided half part of all my right, title, and interest, claim or demand, in law or equity, of, in, and to, or in any manner arising from or out of all those several tracts or parcels of land situate and lying in the immediate vicinity of the Four Lakes, in the southwestern part of Ouisconsin Territory, being an equal interest in the undivided half part of the same lands purchased and entered at the land office at Green Bay, in the joint names of the said Stevens T. Mason, James D. Doty of the last place, in the year one thousand eight hundred and thirty-six, and described as follows: The southwest fractional quarter of section six in township seven north, of range ten east, containing one hundred and thirty-nine acres and twenty-hundredths of an acre, more or less; also, the fractions numbered four and five, in section seven, north of range nine east, containing ninety-two acres and ten-hundredths of an acre, more or less; also, the whole of section thirteen, containing four hundred and eighty-three and fifty-eight hundredths of an acre, more or less; also, the whole of fractional section twenty-four, containing thirty-six acres and fifty-seven hundredths of an acre, more or less; also, the whole of fractional section fourteen, containing one hundred and fifty-one acres and sixty-five hundredths of an acre, more or less; also, the fractions numbered one, two, three, in section twenty-three, which, together with the northeast quarter and west half of the northeast quarter of said section twenty-three, contain two hundred and twenty acres and sixty-hundredths of an acre, more or less, all in the township and range last recited; together with all and singular the hereditaments and appurtenances thereunto belonging or in anywise appertaining, and the reversion or reversions, remainder and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, claim or demand whatsover, of the said party of the first part, either in law or equity, of, in and to the above bargained premises, with the said hereditaments and appurtenances, to have and to hold the said premises as above described with the appurtenances, unto the said party of the second part, and to heirs and assigns forever; and the said party of the first part, for himself, his heirs, executors and administrators doth covenant, grant, bargain and agree to and with the said party of the second part, his heirs and assigns, that the time of the ensealing and delivery of these presents, he is well seized of the premises above conveyed, as of a good, sure, perfect, absolute and indefeasible estate of inheritance in the law, in fee simple; and that the said lands and premises are free from all incumbrances, whatever; and that the above bargained premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, he will forever warrant and defend.

In testimony whereof, the said party of the first part hath hereunto set his hand and seal, the day and year above written. STEVENS T. MASON, [L. S.]

Sealed, and delivered in presence of
JOHN NORTON, JR.
HART L. STEWART.

TERRITORY OF MICHIGAN,
County of Wayne, ss.

On the 25th day of March, one thousand eight hundred and thirty-seven, before me, a notary public for said county, personally came the above named Stevens T. Mason, known to me to be the person who executed the foregoing instrument, and acknowledged the same to be his free act and deed.

JOHN NORTON, Jr. [L. S.]
Notary Public, Wayne county, Michigan.

STATE OF MICHIGAN, SS.

This shall certify that Jno. Norton, jr., whose official attestation is annexed to the acknowledgment of the within indenture, was at the time of signing the same, and still is, a notary public, in and for the county of Wayne, in said State, duly authorized by law to take acknowledgments; that the signature thereto is the proper handwriting of the said John Norton, jr., and that to all his official acts and proceedings as notary public, full faith and credit are due and ought to be given, as well in courts of justice as thereout.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Michigan, this twenty-ninth day of July, in the year of our Lord one thousand eight hundred and thirty-seven, and of the independence of the United States the sixty-first.

KENTZING PRITCHETTE, [L. S.]
Secretary of State.

Recorded July 29th, 1837, at 11 o'clock, A. M.

HENRY MESSERSMITH, *Register.*

RECORDER'S OFFICE,
Mineral Point, Iowa co. W. T.

I do hereby certify that the above and foregoing is a true copy of the record taken from Book E, of Deeds, pages 1 and 2.

HENRY MESSERSMITH, *Register.*

K.

Recorded Jan. 17th, 1839, at 10 o'clock A. M.

Know all men by these presents, that Stevens T. Mason and Julia E. Mason, his wife, and Kentzing Pritchette, all of the city of Detroit, and State of Michigan, have made, constituted and appointed, and we do by these presents make, constitute and appoint Moses M. Strong, United States Attorney for the Territory of Wisconsin, our sufficient and lawful attorney for us and in our names, to grant, bargain, sell, remise, release, and forever quit-claim, or to convey in fee simple, or in any manner whatsoever, which may seem to him proper, all that certain plat and piece of land, (together with all and singular the hereditaments and appurtenances thereto belonging,) lying and situate in the city of Madison, and Territory of Wisconsin, upon which the Capitol of the said Territory is located and built; together with such land contiguous and adjacent thereto as is now, or has been, in the possession of the said Territory, or has been heretofore in any manner, or by any other person or persons conveyed to the said Territory, unto the Territory of Wisconsin, or to such person or persons, his or their successors or assigns, as may be designated by the proper authorities of said Territory, or may be considered fit and proper, by our said attorney for the sole use and behoof of the said Territory of Wisconsin; and also for us, and in our names, place and stead, and as our proper act and deed, to execute, seal, and deliver, and acknowledge such conveyances and assurances of the said premises, unto the said Territory or to such person or persons, his or their successors or assigns, designated as aforesaid, to the sole use and behoof of the said Territory, as shall be needful and requisite for doing thereof, and shall be to the good liking and approbation of the counsel, learned in the law of the said Territory of Wisconsin, giving and granting unto our said attorney full and absolute authority to do, execute and perform any act or acts, thing or things whatsoever, as shall be needful and necessary to be done touching or concerning in anywise the premises aforesaid, or conveying or assigning thereof to the Territory of Wisconsin in as full and ample a manner as we might do, if personally present, hereby ratifying and confirming all lawful acts done by our said attorney by virtue hereof.

S. T. MASON, [L. S.]
JULIA E. MASON, [L. S.]
KENTZING PRITCHETTE, [L. S.]

Signed and sealed in presence of
J. S. ROWLAND,
J. HUMES PORTER,

STATE OF MICHIGAN,
County of Wayne, ss.

Personally appeared before me, a notary public in and for the county of Wayne, and State aforesaid, Stevens T. Mason, and Julia E. Mason, his wife, and Kentzing Pritchette, well known to me as the parties to the above instrument, and acknowledged the same to be their own free act and deed for the purposes therein mentioned; and the said Julia E., wife of the said Stevens T. Mason, being examined separately and apart from her husband, did acknowledge the same to be her free act and deed, without compulsion on the part of the said husband. JNO. NORTON, Jr. [L. S.]

Notary Public, Wayne county, Michigan.

STATE OF MICHIGAN, SS.

To all to whom these presents may come, greeting:

Know ye that John Norton, junior, whose official attestation is affixed to the annexed certificate of acknowledgment, was at the time of signing the same, and still is, a notary public in and for the county of Wayne, in said State; that I am well acquainted with his signature, and that to all his official acts and proceedings as a Notary Public, full faith and credit, are due and ought to be given as well in courts of Justice as thereout. And I do hereby further certify that Notaries Public are authorized to take acknowledgments, by a statute of the State of Michigan.

In testimony whereof I have hereunto set my hand and affixed the Great Seal of the State of Michigan. Done at the city of Detroit in said State the twenty-seventh day of December, in the year of our Lord one thousand eight hundred and thirty-eight, and of the independence of the United States the year sixty-third.

RANDOLPH MANNING, Secretary of State.

HENRY MESSERSMITH, Register.

RECORDER'S OFFICE,
Mineral Point, Iowa co., W. T. }

This certifies that the aforegoing is a true copy of the record taken from Book G. and pages 51, 52.

HENRY MESSERSMITH, Register.

L.

Know all men by these presents, that we, Stevens T. Mason, and Julia E. Mason, his wife, and Kentzing Pritchette, all of the city of Detroit, county of Wayne and State of Michigan, by Moses M. Strong our attorney in fact, in consideration of one dollar, received to our full satisfaction, as well also as in consideration of the benefits and advantages derived and to be derived by us in consequence of the selection of the land hereinafter described, as the site for the Capitol of said territory, have given, granted, dedicated, aliened, remised, released, conveyed, confirmed and forever quit-claimed, and by these presents do give, grant, dedicate, alien, remise, release, convey, confirm, and forever quit-claim unto the Territory of Wisconsin, the following tract of land in the county of Dane in said territory, situate, lying, and being in No. seven of range No. nine east, of the fourth Principal Meridian, and described as follows, to wit: Beginning at a post marked 'Public Square,' in the section line between said sections fourteen and twenty-three, which stands five hundred and sixty feet west from the corner of said sections thirteen, fourteen, twenty-three & twenty-four; thence south 45 degrees east, seven hundred and ninety-two feet to a post in the section line between said sections twenty-three and twenty-four, which stands five hundred and sixty-feet south from the said corner of said sections thirteen, fourteen, twenty-three and twenty-four; thence north forty-five degrees east seven hundred and ninety-two feet to a post, in the section line between said sections thirteen and twenty-four, which stand five hundred and sixty feet east from the said corner of the said sections thirteen, fourteen, twenty-three and twenty-four; thence north forty-five degrees west seven hundred and ninety-two feet, to a post in the section line between said sections thirteen and fourteen, which stand five hundred and sixty feet north from the said corner of said sections thirteen, fourteen, twenty-three and twenty-four; thence south forty-five degrees west, seven hundred & ninety-two feet, to the first mentioned bounds, forming a square plat of ground, the centre of which is the said corner of said sections thirteen, fourteen, twenty-three and twenty-four, supposed to contain fourteen and four-tenths acres, be the same more or less—to have and to hold the aforesaid tract of land unto the said Territory of Wisconsin, until a State Government shall be organized in lieu of the Territorial Government, now in existence in said Territory; and we do by these presents give, grant, dedicate, alien, remise, release, convey, confirm and forever quit claim unto the said State of Wisconsin, or to the said State Government, by whatever name the same shall be called, whenever the same shall be organized, the remainder or remainders, revision or revisions of the estate of, in and to the said tract of land; and the same forever to hold from and after the time when the Territorial Government of the said Territory of Wisconsin shall cease to exist.

And we, the said Stevens T. Mason, Julia E. Mason & Kentzing Pritchette, do hereby further covenant and agree to and with the said Territory of Wisconsin, and to and with the said State of Wisconsin or said state government when organised, that we will forever warrant and defend the before granted and dedicated premises unto the said grantees respectively, against the lawful claims or demands of all persons whatsoever.

In witness whereof, the said Stevens T. Mason, Julia E. Mason and Kentzing Pritchette, by their said attorney, Moses M. Strong, have hereunto set their hands and affixed their seals at Mineral Point, in the county of Iowa, in the Territory aforesaid, this sixteenth day of January, in the year of our Lord one thousand eight hundred and thirty-nine.

STEVENS T. MASON, [L. S.]
By M. M. Strong, his Att'y in fact.
JULIA E. MASON, [L. S.]
By Moses M. Strong, her Att'y in fact.
KENTZING PRITCHETTE, [L. S.]
By Moses M. Strong, his Att'y in fact.

Signed and sealed in presence of
J. M. KANE.
GEO. BEATTY.

The word "Madison" erased from, and the words "Mineral Point" inserted in the fifteenth line, and the word "Dane" erased from, and the words "Iowa, in the Territory" inserted in the sixteenth line, were all in the third page before signing.
J. M. KANE.
GEO. BEATTY.

TERRITORY OF WISCONSIN, }
Iowa County, ss. }

Be it remembered that, on the sixteenth day of January, A. D., 1839, before me, a notary public, in and for the county aforesaid, personally came the within named Moses M. Strong, attorney in fact for Stevens T. Mason and Julia, his wife, and Kentzing Pritchette, and acknowledged the within signature to be his act and deed, and desired that the same might be recorded as such according to law.

In testimony whereof, I have hereunto set my hand and seal the day and year above mentioned.

GEO. BEATTY, [L. S.]

Received for record, Jan. 17th, 1839, at 10 o'clock A. M., and recorded in book F, of deeds, on pages 501 & 502.

HENRY MESSERSMITH, *Register.*

RECORDER'S OFFICE,
Mineral Point; Iowa Co. W. T.

This certifies that the foregoing is a true copy of the record in my office, taken from book F, of deeds, on pages 501 & 502.

HENRY MESSERSMITH, Register.

No. 4.

BANK REPORT.

The Committee appointed by a joint resolution of the Council and House of Representatives, at the last session, to examine into and investigate the State of the Wisconsin Bank, respectfully

REPORT:

That the Committee has, as far as practicable, discharged that duty, and the following is the result of their examination, and contains a full and accurate statement of their proceedings.

On Tuesday, the 1st January, the members of the committee being all present, and, having previously learned that the Cashier of the Bank of Wisconsin was absent, addressed a note, of which the following is a copy, to Mr. H. W. Welles, acting as the cashier and only clerk in the Bank:

"The undersigned were appointed a committee. under a joint resolution passed at the late session of the Legislative Assembly of the Territory of Wisconsin, to visit in person and investigate the affairs of the Bank of Wisconsin. The committee are now in readiness to enter immediately upon the discharge of the duties assigned them, and would respectfully request of the officers of the Bank to furnish them the necessary facilities in order that they may be enabled to fulfil the duties required of them by the resolution, a copy of which is herewith enclosed. An early reply is requested.

[Signed by the Committee.]

Astor House, January 1st, 1839."

To which the committee received from Mr. Welles the following reply:

BANK OF WISCONSIN,
Green Bay, January 1, 1839.

GENTLEMEN:—I have this moment received yours of this date, and in reply, would request your presence in the banking rooms of this institution, to-morrow at 2 o'clock P. M. In the interim, the directors of this bank shall be informed of the contents of your communication, and, I doubt not, every facility will be afforded you that can further your purposes that it is in the power of the acting officers to give.

With much respect, yours,
H. W. WELLES, *Teller*.

To Messrs. D. WELLS, Jr.
H. M. BILLINGS,
J. W. CONROE,
Committee.

On the 3d instant the following note, covering the annexed interrogatories, was handed to Mr. Welles, and, on the same day, the answers following each interrogatory were received from him:

"Mr. H. W. WELLES, SIR:—Enclosed are several intorrogatories to which the committee respectfully request an early answer. If you are not fully authorized to answer them, you will oblige us by handing them to any officer of the bank competent to reply to them, or by laying them before the board of directors, without delay.

Respectfully yours, &c.
[Signed by the Committee.]

Astor, January 3, 1839.

(Interrogatories enclosed in the above.)

The committee appointed by a joint resolution of the Legislature, at its last session, have propounded the following interrogatories, which they wish to be answered by the *Cashier* and *President* of the Bank of Wisconsin, or in the absence of these officers, by the acting Cashier or President *pro tem.*, if any, or other officer in charge of said bank."

1st. Is there, at present, an acting President of the said bank? If nay; how long has the bank been without such officer.

Answer. No. Since the 5th day of November last.

2d. Is there a President pro tem., of the said bank? If yea; who is acting as such?

Answer. There is no such officer.

3d. Is the Cashier of the Bank absent, and if so, has he been notified that the present committee are now here, for the purpose of discharging their official duties?

Answer, Yes. Has not to my knowledge been notified.

4th. Is there any acting Cashier, Clerk, Teller, or other officer of the said bank, now present, acquainted with the affairs of the Bank of Wisconsin, and competent to answer such questions and afford the necessary facilities and information to enable this committee fully to discharge the duties incumbent upon it, under the resolution of the Legislature, at its last session? If yea; who is that officer or person? (The answer to this and 6th inter. are attached to 6th inter.)

5th. Is there in your possession any written document made by the Cashier and President, or either of them, containing a statement of the situation and affairs of the said bank, under oath or otherwise? If yea: will you submit the same to the committee for inspection?

Answer. No.

6th. Is the officer in charge of the said bank willing to permit the committee to examine the books of the institution, count its gold and silver, and make a thorough investigation of its affairs?

Answer to the 4th and 6th. In answer to these, I would say, I am a clerk in this bank, but, having been absent till very recently, do not consider myself competent to answer such questions as would enable the committee *fully* to discharge the duties incumbent upon them. I am, however, willing to permit your committee to examine all the general accounts of our Ledger, count gold, silver, bills, &c., in our vaults, and will afford them every facility in my power to further objects.*

On the same day, the following interrogatories were propounded by the committee, (enclosed in a note to Mr. Welles, stating that "the committee thought proper to propound them, to him, as the acting cashier or clerk in charge of the affairs of the Wisconsin Bank, and to which they were desirous of of obtaining an early answer *under oath.*")

1st. What is the amount of deposites by other banks, incorporations or individuals, in the Bank of Wisconsin?

2d. What is the amount of profits on hand upon the stock and discounts of said bank?

3d. What is the amount of notes or bills of the said bank, now in circulation?

4th. What is the amount of debts due from the directors to the said bank?

5th. What is the amount of debts due from the stockholders to the said bank?

6th. What is the amount of debts due from all other persons or corporations to the said bank not included in the above?

7th. What is the amount of gold and silver now in the bank of Wisconsin?

8th. What proportion of that sum belongs to said bank? and what proportion is owned by individuals on special deposit?

9th. What is the amount of current bills or notes of other banks in the said bank?

10th. What is the amount of deposits in favor of said bank of Wisconsin in other banks?

11th. Has the Bank of Wisconsin any? and if nay: what amount of stock in other banks?

12th. Does the said bank own any? and if any: what amount of real estate?

13th. Does the said bank own any? and if any; what amount of other property not before herein specified?

14th. What is the amount of capital actually paid into the said bank by the stockholders?

15th. At what period of the year, last past, was your circulation most extended, and the amount of the same at that time?

16th. What amount of discounted notes, bonds, drafts, checks, bills of exchange or other evidence of debts due and owing to said bank, do you consider good? what doubtful? and what bad?

17th. What amount of notes, drafts, checks, bills of exchange or other evidences of debt are secured by mortgage or otherwise, on real estate?

To these interrogatories the committee received no other answers than such as may be collected from the following general statement handed to them by Mr. Welles, (he at the same time declining to give any answers under oath.)

Cr. State of the funds of the Bank of Wisconsin, 4th January, 1839. Dr.

Contingent expenses,	$6,027 29	Profit and loss,	$1,404 52
Domestic bills of ex.,	15,464 62	Discount rec'd	4,442 18
Bills discounted,	126,086 48	Certificate acc'ts,	21,455 60
Farmers & M. Bank,	77,427 40	Special deposites,	1,950
Illinois Br. B. Galena.	13	Suspense acc'ts	1,846 27
Albany City Bank,	6	Ill. Br. B. Chicago,	1
Bank of Utica,	2 86	Tecumseh Bank,	12,000
Bank of Michigan,	135 29	F. & M. Br. Bank,	146 59
Girard Bank,	300	Mer. Bank N. Y.,	4,041 48
M. Point Bank	4 25	Seventh Ward Bank,	2,214 99
M. In. Co., Detroit,	14,406 47	Circulation,	196,279
Rochester City Bank	52 57	Individual deposites,	5,457 22
Clinton Co. Bank,	200	Capital stock,	39,125
Herkimer Co. Bank	30		
Lewis Co. Bank	20,320 68		
Com. Bank, Buffalo,	62 75		
Bank House,	10,736 70		
Specie,	29,242 41		
Foreign notes,	24,021 60		
Items,	10,836 37		
	$335,363 85		$335,363 85

BANK OF WISCONSIN,
Green Bay, January 4, 1839.

GENTLEMEN:—Above I hand you a statement of the affairs of this institution at this date, for the truth of which I would respectfully refer you to the general accounts of our Ledger, and the contents of our vaults. Not considering myself competent, under oath or otherwise, to reply more directly to the interrogatories contained in yours of the 3d.

With much respect, yours,

HENRY W. WELLES, *Teller.*

Hon. Daniel Wells, Jacob W. Conroe, H. M. Billings, committee.

The Committee upon the same and the succeeding day counted the specie and notes of foreign banks in the vaults, and found the following amounts:

Notes of the Farmers & Mechanics' Bank, Michigan,	$7,588 00
Notes of the Bank of Middletown, Pa.,	50 00

Notes of the N. York Safety Funk & Manhattan Co.		1,570 00
Notes of the Michigan Insurance Co., Detroit, -		10,000 00
Post notes of Far. & Mec. bank, Mich., due May 20, 1839,		305 00
" " due July 2, 1839,		100 00
" " due Aug. 1, 1839,		5 00
" " due Oct. 20, 1839,		915 00
" Bank of Michigan, due Sep. 30, 1839,		80 00
Notes of Bank of Mineral Point, - - -		150 00
Notes of Fox River Hydraulic Co. - -		185 00
Notes of different Banks in Michigan, - -		25 00
Specie in silver coin, - - -	$28,462 70	
Specie in gold coin, - -	680 91	
Ninety-nine dollars in cents, -	99 00	
		29,242 61
		$50,215 61

On the 4th inst. the Committee requested the attendance of Mr. Welles; when he appeared, the following questions were asked:

You have heretofore stated to one or more of the committee, that you had in your possession a statement made by the Cashier of the Bank, showing the situation and affairs of the Bank; in your written answer to the fifth interrogatory, presented on yesterday, you answer directly in the negative; will you explain to the committee the reason for making these different statements?

Answer. I have answered generally in the negative, because I have no such statement, made by the Cashier or President, but I have one which was made out by myself; it was examined and found to be correct, by Mr. Stringham, the cashier, before his departure; that statement is only up to the time of Mr. S's departure, and as the affairs of the bank are since materially changed, a statement made now will supersede the previous one.

On Saturday, the 5th inst., the committee requested the attendance of Mr. Welles; and when present he was informed that the committee were now prepared to go into examination of the books of the Bank.

He replied, that he would hand to them such books as he was willing should be examined by them; and produced two, the one the "Bill Book," containing the account of bills discounted, &c.; the other, the "Ledger;" but upon this book were placed seals upon all the leaves beyond the 100th page, which was much the larger share of the book.

The following questions were then propounded to Mr. W., who made the answers attached to each.

1st. Are you willing to make oath to the statements submitted by you of the situation and affairs of the Bank of Wisconsin?

Answer. I am not willing to answer *under oath*, but respectfully refer the committee to the *cashier* and to the vaults of the bank, for the truth of the statement.

The committee then stated to Mr. W., that they wished to swear him as a witness to give true answers to such questions as they thought proper to ask him, touching the affairs of the Bank. He was accordingly sworn; he stating, however, at the time, that he would reserve to himself the privilege to answer or decline, as he thought proper. The following interrogatories were propounded:

1st. What proportion of the specie now in the Bank of Wisconsin belongs to the Bank? and what proportion is owned by individuals on special deposit?

This question Mr. W. declined answering?

2d. What is the amount of debts due from the Directors of the Bank?

Answer declined.

3d. What is the amount of debts due from the Stockholders to the Bank?

Answer declined.

4th. Do the books of the bank show the amount the Stockholders and Directors owe the Bank?

Answer declined.

5th. Are there books in the bank showing who the present Stockholders are?

Answer declined.

6th. Has the bank any, and if any, what amount of stock in other banks?

Answer declined.

7th. At what period of the year last past, was the circulation of the bank most extended, and what was the amount of the same at that time?

Answer declined.

8th. What amount of discounted notes, bonds, drafts, checks, bills of exchange or other evidences of debt due and owing to the bank, do you consider good? what doubtful? and what bad?

Answer declined.

9th. What amount of notes, drafts, checks, bills of exchange, or other evidences of debt are secured by mortgage or otherwise on real estate?

Answer declined.

10th. Who are the Directors of the Bank of Wisconsin at this time?

Answer declined.

11th. Have the individual notes of James D. Doty been received and paid out by the bank as other notes?

Answer declined.

12th. Are the two books now produced (called the "Bill Book," and "Ledger,") the only books which you are willing to exhibit to the committee? and why are the leaves of the Ledger *sealed* beyond the 100th page?

Answer. These two are the only books that can afford any information to the committee, which I am willing to exhibit. The Ledger is sealed beyond the 100th page, because that part of the book contains only individual accounts, which I do not feel authorized to show.

13th. Are you willing to exhibit to the committee the book showing who are the present Stockholders and Directors?

Answer. I decline showing the book containing the names of the Stockholders, because that book contains the minutes of the proceedings of the Board of Directors, and by the bye laws no person except the cashier can have access to it.

14th. Are you willing to furnish the committee with an abstract of that book showing who are the Stockholders and Directors?

Answer. I am not; because I think I have no control over that book.

Mrs. Hamilton Stevens, was sworn as a witness and interrogated.

Question. Have you any deposite (special or otherwise) in the Bank of Wisconsin? if so, what is the amount and the kind of funds?

Answer. I have no special deposite in the bank; about six weeks since I exchanged with the bank $400 in the New York safety fund notes for specie, which I am to return, if requested by the bank; my special deposite I withdrew about three weeks since.

Mr. C. A. Grignon, sworn and interrogated.

Question. Have you any deposites, special or otherwise, in the Bank of Wisconsin? if so; what is the amount and the kind of funds?

Answer. I have deposited in the bank money, in notes of the F. and M. Bank of Michigan, to the amount of about $10,000; but, I believe, the bank is not indebted to me, as I have drawn the amount or more. The firm of C. & A. Grignon has also deposited about $1,000 which, I believe, has been drawn. We have no special deposites.

Mr. Thomas Lee sworn and interrogated.

Question. Have you any deposit, special or otherwise, in the bank of Wisconsin? if so; what is the amount and the kind of funds?

Answer. I have deposited in the bank, but cannot say precisely what amount. I believe the balance due me, is between five and six thousand dollars. There is about $200 in Fox River Hydraulic notes; the balance was deposited in specie and New York safety fund notes.

Question. Was the deposite made by you a general or special deposit?

Answer. It is a special deposit. Of the amount deposited, I think there was from two to three thousand dollars in safety fund notes, and the balance in specie.

Question. Do you know who are the present directors of the Bank?

Answer. I do not.

On Monday, the 7th inst., the committee having learned that Mr. Stringham, the cashier, had returned—called upon him, at the bank, and informed him how far they had preceeded in the discharge of their duties; that they wished to obtain from him all further information which he could communicate, relative to the affairs of the bank, and referred him to the interrogatories heretofore propounded to Mr. Welles. He stated that he would answer no questions under oath; and that he would make a general statement of the affairs of the bank. He thought most of the questions propounded had no reference to the solvency of the bank; and that he would not give *any information to gratify individual curiosity.*

The following interrogatories were then propounded to Mr. S.

1st. Will you exhibit to the committee the books of the bank for their inspection?

Answer. No.

2d. Who are the officers of the bank?

Answer. I am cashier. There is no President; as a majority of the Directors have been absent for some time, none has yet been elected. Mr. Welles is a Clerk in the bank.

3d. Who are the directors?

Answer. John Lawe, Thomas Green, John A. Welles, John W. Martin, William Dickinson, Norton Bassett, L. R. Meeks, Solomon Juneau, and H. Stringham.

4th. Can you state who are the stockholders of the bank?

Answer. I cannot, as I do not know; the first directors did not do their duty, in not keeping a list; and I only know who the old stockholders are, as the old scrip is handed in to me.

5th. Are you willing to make oath to the answers already made by you, and to such other questions as the committee may ask?

Answer. I am not willing to answer under oath, as I do not conceive that the *committee have any right*, under the resolution to administer an oath.

Question. Are you willing to be sworn by an *officer* authorized to administer oaths?

Answer. I decline answering any question under oath; but I am willing to make a statement of the affairs of the bank and make an oath to it.

Mr. Stringham further stated that he would not exhibit any books: that if he had been present, he would not have submitted even those shown by Mr. Welles; as he contended the *committee had no right to ask for such examination. The charter gives no such right, and he did not know that he should have permitted them to count the money in the vaults, &c.* He admitted that the bank was not paying specie for its notes, and had not since May, 1837.

On the 8th inst., Mr. Stringham presented to the committee the following statement:

Statement of the affairs of the Bank of Wisconsin, January 7, 1839.

Debts due from direc'rs, q'lified,	$15,359 07	Deposites,	$88,250 28
" Stockholders,		Profits on hand,	352 90
" And other persons,	126,192 03	Bills in circul'n	182,498 00
" Corporations,	94,544 32	Capital stock,	39,125 00
Specie on hand, - -	29,236 46		
Bills of other banks, - -	23,123 00		
Stock in " - - -			
Real estate, - - -	10,949 32		
Cash items, - - -	10,821 97		
	$310,226 18		$310,226 18

I hereby swear, that the above is a correct statement of the condition of the Bank of Wisconsin, to the best of my knowledge and belief; so help me God.

HENRY STRINGHAM,
Cash'r. Bank of Wisconsin.

Green Bay, Jan. 7, 1839.

Sworn before me, the 8th January, 1839.

B. SHACKELFORD, [L. S.] Notary Public.

This statement was accompanied by a communication addressed to the committee, (marked "B,") and which accompanies this report.

Thus far have the committee discharged the duties assigned them; and they regret that circumstances, beyond their control, have prevented them from fully and satisfactorily making such an investigation and report, in relation to this institution, as the resolution under which they have acted contemplates, and the public so imperiously demand. Before closing their report, they conceive that their duty, as a committee, and the importance of the subject require from them a few remarks, as to the *causes* which have prevented them from discharging, in a satisfactory manner, their duties; and the *consequences* likely to ensue from the failure to accomplish that object.

The *causes*, which have frustrated the intention and will of the *Territorial* Legislature, as expressed in the resolution, under which your committee act, are the *absolute refusal* of the only officers found in charge of the Bank, to permit the committee to "*examine into the doings of the corporation,*" and to allow them "*free access to all the books and vaults.*" Your committee conceive that the reason which was given for refusing the examination of the books, namely: "that the inspection of *private accounts*, might *injure* the *credit* of *the individual*, and that the officers of the Bank, *had no right* to exhibit such accounts, because they *were* the *property* of *individuals;*" is contrary to *good sense* and *public* policy. This institution, *by its charter*, possesses certain privileges, subject to certain conditions and restrictions; one is, that "any committee appointed by the Legislature for that purpose, shall have the right to examine into the doings of the said corporation, and shall have free access to all their books and vaults."—The circumstance of individuals obtaining loans from the Bank, or becoming its debtors, cannot deprive the Legislature of their legitimate rights—more especially when such *rights* are expressly reserved to it by the terms of the charter: and it will be difficult for the officers of the institution to convince the public, that such pretexts are not used rather to prevent an investigation, which would prove that the owners or agents of the bank *had exceeded the privileges conferred by their charter*, than the *regard which they feel for the interests* of *individuals*. Such pretences are, in the opinion of the committee, too shallow to need further refutation. The statements made by the officers of the Bank, being imperfect, are unsatisfactory and inconclusive; and while the committee feel every disposition to make ample allowance for the embarrassing and responsible situation in which the officers are placed, yet they think censure should justly fall upon those who show a want of candor, *and whose duty it was to have provided against the existence of a state of things, rendering concealment necessary to the preservation of the* Institution.

It has been the desire of the committee, as far as consistent with their duty, to sustain the Bank; and they hoped that, upon a *full* and *fair* examination of its affairs, the public confidence, which has been impaired, would be once more restored; and its credit and standing placed upon a more solid and lasting basis. Should it prove otherwise, your committee fear it may be attributed, in *some degree*, at least, to a want of candor on the part of those who control it, as well as to the refusal of its officers to give information relative to its affairs, *under oath*. The bold stand taken by the cashier, his refusal to make answers under oath, and his argument against the *right* and *power* of the committee to require such answers, or administer the necessary oaths, are, in the opinion of the committee, equally trifling with the objection made to shewing the books of the Bank. If there be any meaning in the act of incorporation, it is too plain to be mistaken by the most limited capacity. By the 7th section of that act, it is made "the duty of the *President* and *Cashier*, whenever thereto required, to furnish to the Legislature a statement, under oath, of the condition of the Bank, &c." But as a further safeguard to the public, it is provided by the 22nd section, "*that any committee appointed by the Legislature, for that purpose, shall have the right to examine into the doings of the said corporation, and shall have free access to all their books and vaults.*" Under ordinary circumstances, such a general statement as is contemplated by the 7th section would be all that would be required. But in the case of the Bank of Wisconsin, it having for nearly two years suspended not only specie payment, but, in a great measure, all kinds of exchange; the confidence of the people has been shaken, and the Legislature could not, unless derelict in its duty, permit another session of its body to pass without ascertaining the solvency or insolvency of the bank. This body, therefore, appointed a committee and conferred upon it ample powers, as was then supposed. There is nothing inconsistent in the provisions of the 7th and 22d sections; on the contrary, they are perfectly reconcilable with each other. The first would be sufficient, so long as the notes of the bank remain current and redeemable by the bank in specie or current money; but the Legislature who granted the charter intended, in case of emergency, to retain a further check upon the bank. This emergency has long since occurred; and it is meet and proper that the present Assembly should exercise the right reserved to it.

But even were there any inconsistency in the two sections before alluded to; the well known rule in the construction of statutes would decide the question, i. e. when an act contains two sections repugnant to each other. the succeeding one repeals the preceding; or, in other words, the last shall stand, and the first fall; so that in such case the right of examination by committee is preserved. In reply to the objection, that the committee had no power to administer oaths; it is only necessary to remark that, in all cases where an appointment is made by the Legislature, all incidental powers necessary for carrying into effect the object of such appointment are implied whether expressed or not; and the offer, on the part of the committee, to procure an officer authorized to administer the oath, should have been sufficient to satisfy the scruples of the most fastidious.

Your committee are far from wishing to increase the want of confidence, already felt by the community in respect to the Bank of Wisconsin. On the contrary, they wish, as far as circumstances will justify them, to restore it. From all the information which they have been able to derive from the officers and persons conversant with the affairs of the institution, and from the fair character of its present cashier, they are of the opinion that the bank has sufficient means, although perhaps not at present at its command, to redeem all its liabilities; and they can only regret that any disposition should have been manifested by the individuals who control it, to prevent a full and open investigation of its affairs; as such a disposition will, it is believed, tend much more to the injury of the bank, than an open avowal of its condition however unfavorable.

Banks are useful and convenient, or a source of evil; accordingly as conducted. To acquire and retain the confidence of the public, they should be ever open to the inspection and subject to the control of the people, or their representatives in the Legislature. Any attempt, on the part of the banks, to prevent the public from exercising this privilege, will soon destroy confidence and prevent their usefulness. Confidence once lost is not easily regained.

Your committee are of course unable to give much of the information required under the resolution by which they were appointed; particularly as to the amount due by the directors and stockholders, the amount of special deposits, &c.; not from a want of diligence on their part, but from circumstances over which they had no control.

The refusal, on the part of the officers of the bank, to allow the committee 'to examine into the doings of said corporation,' and "free access to all their books;" is, in the opinion of your committee, a direct abuse and violation of the provisions of its charter.

Your committee respectfully submit the foregoing for your consideration or further deliberations.

DANIEL WELLS, Jr.,
HENRY M. BILLINGS,
J. W. CONROE,
Committee.

January 9. 1839.

DOCUMENT B.

To the Hon. Daniel Wells, Jr., Chairman of the Committee appointed to investigate the affairs of the Bank of Wisconsin;

SIR:—Above is a statement of the situation of the Bank, made at the request of your committee, and in accordance with section seventh in the act incorporating this bank, and to which I have duly qualified. It exhibits in full the situation of the fiscal affairs of this bank, and contains all essential information which bears upon the question of the solvency of the bank. The only reason why the public suspect that this bank might be insolvent, is the continued suspension of cash payments!—

There are many good and substantial reasons other than "peculation and fraud," why this institution did not resume simultaneously with the banks of the States of New York, Massachusetts, and other old States. I shall be as brief in the statement of these reasons as the subject will allow; and I take this opportunity of stating them, that the officers of the bank may be exonerated from any reputation of fraud, which the robbers of private character would charge them with.

The situation of the Territory heretofore has rendered it necessary that facilities should be extended to its citizens. A portion of our Territory, the mining, has been more independent of such loans than the lake country, The exportation of their staple has been sufficient to pay up the annual debt, created by large importations of produce from the States of Ohio, Missouri, and Illinois; yet, in this rich portion of our Territory, industry has languished at the dull and remote prospect of that reward being bestowed upon her labors, which, in more prosperous times, she has ever received, in finding a ready market in the Atlantic States for her labors. The desire to be the speculators in their own product, has led to the establishment of a credit system here; and the same effects have been produced by it here, as in the other portions of our Territory. The eastern and northern portions of the Territory have been almost entirely dependent upon credit. This part of our country, though inferior to none in the west in fertility of soil and salubrity of climate, has not arrived at that happy state of prosperity as to export for the payment of eastern creditors—with a soil as productive as the sun ever shone upon, the people are yet dependant upon the States of Ohio, Michigan, and Indiana, for articles of the very first necessity. This is necessarily the case in all new agricultural countries. The soil must be subdued before it can be made to administer to the wants of the consumer, and time and industry both are required. The last has been bestowed by the praiseworthy settlers, and time will bring to them their golden harvests. If these views present a correct picture of the Territory, in its relation with the older States, it is evident that this situation must materially effect the payment of home debts by the debtors to the bank of Wisconsin. This state of affairs rendered it impossible for the debtors in the Territory to voluntarily pay their bank liabilities, as their means were barely sufficient to supply their immediate necessities.

The bank was also deprived of the power to coerce the collection of the debts by the legislation of the country. Far is it from my intentions to censure our rulers for their opinions or acts in the legislature. The stay law in itself may have been beneficial, but its effects have retarded a resumption of cash payment. Under the old laws of the Territory of Michigan, collections were sufficiently tardy; but those laws afforded some security, that if the defendant had property it might be finally reached by execution, thus making personal security alternately available. The committee are well aware that during the last session, the legislature amended these collection laws in such a manner as to render the payment of the debt at the option of the debtor. The first provision to which I would refer, is that which forbids the courts to enter judgment, unless suits have been commenced ninety days before term. A second law gives a stay of execution on all judgments for one year from the issuing of the writ. But a third, and, in connection with others, most objectionable feature of our collection laws is that which takes away all right of the plaintiff to claim bail. This destroys at once almost the entire validity of personal security—renders the collection of our best securities impossible. The operation of these enactments all professional men are familier with, and they are not recited here, except as a reason, and an all-sufficient one, why the Bank of Wisconsin has not converted its securities into available assets to redeem its liabilities.

I have the honor to remain,
Your obedient servant,
HENRY STRINGHAM, *Cashier.*

No. 5.

BANK REPORT.

The Committee appointed by a joint resolution of the two Houses of the Legislature, at its last session, to investigate the affairs of the banks of Milwaukee and Mineral Point, beg leave to make the following

REPORT:

In obedience to the requisitions of said resolution, your committee, immediately after the close of the last session of the Legislative Assembly, proceeded to Milwaukee and in the discharge of the duties of their appointment, called on a number of persons representing themselves as directors and officers of said bank, and proposed a number of interrogatories and received answers under oath, which are herewith transmitted. (See documents marked A, B, C, D, & F.)

From the testimony contained in them, it will be seen that an instalment of ten per centum upon sixteen shares was paid in gold and silver, and the remainder of the stock was taken by Mr. O'Farrell by certificates of deposite, signed by the Cashier of the Branch of the State Bank of Illinois at Galena, and payable to the order of Daniel Wann and B. I. Gilman, and which certificates it seems were not indorsed by either of the payees, and therefore never became the property of the bank.

There are at present two boards of directors, each claiming the right of ownership, neither of which have any funds belonging to the institution, nor have they any evidences of debts due the bank, except notes of individuals for about five thousand dollars said to be in the hands of the Attorney of the bank.

Your committee deem it unnecessary to say any more than to submit to the Legislature the interrogatories propounded, together with the answers thereto, leaving it entirely to the Legislature to take such measures as to them may seem meet.

From Milwaukee, your committee proceeded to Mineral Point, and having made known to the officers of the bank at that place, the object of their visit, every facility was at once afforded them for investigating the affairs of the institution.

Your committee first requested of the cashier, Mr. Samuel B. Knapp, permission to count the specie and other funds belonging to the bank; which was readily granted, and the amount found to correspond with the following statement, prepared by him and sworn to at the request of the committee:-

Cr. *Affairs of the Bank of Mineral Point, January 4, 1839.* *Dr.*

Dicounted Bills, - -		$65,848 58	Capital stock,	$100,000 00
Securities, - -		14,495 40	Discount rec'd	753 64
Contingent expenses, -		1,007 27	Circulation,	53,075 00
Advances on lead, -		9,730 12	Deposites,	21,716 98
Profit and loss, - -		77 41		
Cash–U.S. Tr. notes,	$7,995 37			
Ill., N. Y., and Miss. Bank notes,	17,558 00			
Specie in bank,	36,444 44			
Corporation notes,	1,494 00			
Cash items,	6,006 67	69,498 48		
Banking-house & furniture,		2,331 01		
Bank of Missouri, -		5,590 68		
Br. Ill. St. Bk. at Galena,		870 75		
Advances on public buildings,		908 12		
Over-drafts, - -		5,187 80		
		$175,545 62		$175,545 62

TERRITORY OF WISCONSIN,
County of Iowa, ss.

I, Samuel B. Knapp, cashier of the Bank of Mineral Point, do solemnly swear, that the above statement is true to the best of my knowledge and belief.

SAMUEL B. KNAPP.

Sworn and subscribed before me this 4th day of January, 1839. J. R. VINEYARD, *Chairman.*

Upon comparing the foregoing statement with the funds in the bank, and with the books thereof, which were readily furnished, at the request of the committee, they believe it to be a fair and correct statement of the affairs of the institution.

Besides many questions which were proposed verbally by the committee, and answered to their entire satisfaction; interrogatories were addressed in writing to the cashier as follows:

MINERAL POINT, Jan. 4, 1839.

SAMUEL B. KNAPP, Esq , Cashier of the Mineral Point Bank:

SIR:—We, the undersigned committee appointed to investigate the affairs of the Mineral Point Bank, respectfully address to you the following interrogatories to which we request answers under oath in writing.

Your obedient servant,
J. R. VINEYARD,
LUCIUS I. BARBER,
RALPH CARVER,
Committee

1st. What amount is due the bank from directors?

2d. What amount is due the bank from stockholders?

3d. Are the specie and other funds exhibited to the committee, *bona fide* the property of the bank?

4th. Has the bank any deposites in other banks? If so; where, and to what amounts?

5th. Does the bank own any real estate?

6th. Have you ever taken more than seven per centum per annum in advance upon loans and discounts?

In reply to which the committee received the following:

BANK OF MINERAL POINT,
January 4, 1839.

To the Hon. J. R. Vineyard, Lucius I. Barber, and Ralph Carver, Committee, &c.

GENTLEMEN:—I have had the honor to receive your communication propounding several interrogatories, touching the affairs of this bank; to which the following answers, to each respectively, are submitted:

1. The amount due the bank from directors, exclusive of

several advances on lead, made by one of the directors, which lead is in the control of the bank, and to be sold for its account is sixteen thousand, seven hundred and thirty-five-hundredths dollars.

2. The amount due from stockholders, other than directors, is seven hundred dollars.

3. The specie and other funds exhibited to the committee are *bona fide* the property of the bank.

4. The bank has deposits in other banks, the amounts, and the banks, where deposited, are stated in the detailed statement in the hands of the committee.

5. The bank owns no real estate, other than the item in the general statement—"Banking House," &c.

6. The bank has never taken more than seven per centum, interest in advance upon loans or discounts.

I am, very respectfully,
Your most obedient servant,
SAMUEL B. KNAPP, *Cashier.*

TERRITORY OF WISCONSIN,}
County of Iowa, ss. }

I, Samuel B. Knapp, Cashier of the Bank of Mineral Point, do solemnly swear, that the preceding statement is true, according to the best of my knowledge and belief.

SAMUEL B. KNAPP.

Sworn and subscribed before me, this 5th day of Jan., 1839.
J. R. VINEYARD,

Many other interrogatories were prepared, but the foregoing "statement" of the cashier rendered them, in the opinion of the Committee, unnecessary.

From a full and particular investigation of its books and funds, and from the statement of its cashier under oath, as well as from the general confidence of the community in which it is placed, your committee unhesitatingly express their belief, that the Bank of Mineral Point is in a solvent and safe condition.

All which is respectfully submitted.

J. R. VINEYARD, *of Council.*
LUCIUS I. BARBER,} *H. Rep.*
RALPH CARVER, }

No. 6.

SECRETARY'S OFFICE, *February 2*, 1839.

To the Honorable the Speaker
Of the House of Representatives:

SIR:—In reply to a resolution of the House of Representatives, requesting to be furnished with communications or information from the Secretary of the Treasury, in relation to the appropriation made during the last session of Congress to defray the expenses of the Legislative Assembly. Also, to state what part of that appropriation has been received by me I have the honor herewith to present the only communication I have received from the Secretary of the Treasury touching that subject; and also, to state that I have received during the year 1838–9, fifteen thousand dollars only, under the act of appropriation referred to.

I have the honor to be,
Very respectfully,
W. B. SLAUGHTER,
Secretary Wisconsin Territory.

Ten thousand dollars of that amount was received a few days since.

W. B. S.
Sec. Wis. Ter.

Letters enclosed in the foregoing.

A.

Treasury Department, *May* 30, 1838.

Sir:—An application having been made by the delegate from Wisconsin Territory for an advance to be made to you to pay certain Territorial expenses, I have to apprise you that, by a late regulation all such advances are prohibited until a bond with sufficient sureties conditioned for the faithful disbursement, &c. of the moneys advanced, be first filed in the Dement.

I herewith transmit to you the form in which the bond is to be executed—the penalty to be twenty thousand dollars, and the sufficiency of the sureties to be certified as usual by a district attorney or judge of the United States.

When you shall have filed your bond in the Department, I will be happy to take into consideration the application made in your behalf for a further advance.

I am very respectfully,
Your obedient servant,
LEVI WOODBURY,
Secretary of the Treasury.

Wm. B. Slaughter, Esq., *Sec. Wis. T.*
Elk Grove, W. T.

B.

Treasury Department, *July* 16, 1838.

Sir:—Your letter of the 27th ultimo, enclosing your official bond, has been received. I have directed a draft to be issued in your favor for $5,000 on the Bank of Missouri, and will send another for $5,000 on the nearest Land Office in Wisconsin Territory, when there is enough to pay it, as soon as you will designate which is most agreeable. I do not feel justified in giving more on St. Louis.

I am, respectfully,
Your obedient servant,
LEVI WOODBURY,
Secretary of the Treasury,

WM. B. SLAUGHTER, ESQ., *Bardstown, Ky.*

No. 7.

Report of the Auditor of the Territory.

AUDITOR'S OFFICE, *February* 23, 1839

To the Hon. the Speaker of the House of Representatives;

SIR:—In obedience to the "act relative to the office and duties of the Auditor of the Territory," I have the honor to submit the following report for the year 1838:

That, in accordance with the eighth section of the before mentioned act, copies of the law, approved January 19, 1838, entitled "an act to provide for a Territorial revenue," were transmitted to the boards of commissioners and the treasurers in each of the organized counties of the Territory.

The report of the Treasurer of the Territory will exhibit a statement of the returns made under the requisitions of the last recited act, amounting to $308 10, embracing the sums due from the counties of Iowa and Crawford only.

In consequence of this great deficit in the Treasury, from the failure of the remaining boards of county commissioners to furnish the Treasurer of the Territory with copies of the duplicates of their respective counties for the year past, all demands against the Territorial Treasury remain unsettled.

Very respectfully,
Your obedient servant,
GEO. BEATTY, *Auditor.*

REPORT OF THE TERRITORIAL TREASURER.

TREASURERS' OFFICE, *February* 23, 1839.

To the Hon. Speaker of the House of Representatives:

SIR:—I have the honor, in compliance with the "act defining the duties of the Treasurer of the Territory," to submit the following report of the state of the Territorial Treasury for the year 1838.

The sums due from the several county treasurers to the Treasury of the Territory for 1838, agreeable to the returns made by the boards of commissioners, are as follows:

From the county of Iowa,	- - - -	$250 00
" Crawford	- - -	58 10
		$308 10

No payments have been made therefrom; nor have any returns been received from any of the other counties of the Territory.

Respectfully yours,

ABNER NICHOLS, *Treasurer.*

No. 8.

REPORT

Of the Committee appointed to investigate the affairs of the building of the Capitol, at Madison.

The Committee selected under a joint resolution of the Council and House of Representatives, to investigate the proceedings of Commissioners appointed to superintend the construction of the Public Buildings at Madison, respectfully report—

That in pursuance of the duties assigned them, the committee on the eleventh instant, addressed a letter to John F. O'Neil, and A. A. Bird, two of the commissioners then at Madison, of which the following is a copy:

"Gent:—Under a joint resolution of the Council and House of Representatives, the undersigned have been appointed a committee to investigate the proceedings of your board, in relation to the erection of the public buildings at Madison, and we therefore request you to furnish us at a meeting to be held at the Council Chamber to-morrow evening,

First, a detailed statement of all the expenditures from the commencement of your duties, to the period, when the contract from the completion of said buildings was made with James Morrison, together with vouchers showing the amount, and to whom payments were made:

2d. The several proposals made for the erection of said buildings, and the contract entered into with James Morrison, or any other person, for furnishing materials, or for the construction of the buildings."

On the 12th instant, A. A. Bird, one of the commissioners, presented to the committee a written statement of the proceedings of the board, which is herewith submitted, and marked A, B, and C. This statement was by him sworn to, on the 23d instant, as will appear in document marked D. By a reference to the law under which the commissioners were appointed, approved December 3d, 1836, it appears that their duties were so plainly and clearly defined, that it seems hardly possible they could have been misunderstood. The 3d section of the act referred to, reads as follows:

"That there shall be three commissioners elected by joint ballot of the Council and House of Representatives, whose duty it shall be to cause the necessary public buildings to be erected at the said town of Madison, for the accommodation of the Assembly and other officers of the Territorial Government. The said commissioners, or a majority of them, shall agree upon a plan of said buildings, and shall issue proposals, giving due notice thereof, and contract for the erection of said buildings without delay."

It appears that the first meeting of the commissioners was held at Mineral Point, May 4, 1837, near six months after their appointment, at which meeting Messrs. Doty and O'Neil, only, were present, and who made an order, of which the following is a copy.

"At a meeting of the board of commissioners appointed to superintend the construction of the public buildings at Madison, held at Mineral Point on the 4th day of May, 1837, it was ordered that A. A. Bird be acting commissioner to superintend the construction of said buildings, and that he be authorized to obtain by purchase or otherwise, the materials required for the same, and to employ such mechanics and laborers, and do whatever else is requisite to construct said buildings without delay, and that his drafts on the treasurer, J. D. Doty, for the amount of the same, not exceeding twenty thousand dollars in amount, be paid by the treasurer, and also that he render to the commissioners a monthly account of his expenses and engagements."

From an examination of this order, it will be seen that the commissioners instead of entering upon the discharge of their duties agreeably to the requirements of the law under which the board were created, and in which their duties were plainly marked out, boldly assumed the power of purchasing materials, employing mechanics and laborers, and proceeding in the construction of the buildings on their own account. The acting commissioner in the month of May, 1837, commenced operations at Madison, having previously engaged a number of mechanics, purchased provisions, &c. The construction of the work was continued by him until the month of September following, when a notice for *proposals* was issued for the first time, and bids were received from the following named persons:

William A. Kellogg, - - - -	$36,800 00
Cornelius Van Buren & others, - - -	47,676 45
William Payne, - - - - -	42,500 00

Neither of the foregoing bids were accepted by the commissioners, and the work was continued by them until April 25th, 1838. In the mean time, however, the commissioners had made a report to the legislature, while in session at Burlington, and in obedience to a resolution of that body, they sometime in March last, advertised for proposals to complete the buildings from the basement story. Under the last mentioned notice, bids were received from the following named persons, and the contract was let to James Morrison, for the sum of $26,200 00.

John P. Areman, - - - - -	$125,000 00
William C. Waters, - - - - -	24,450 00
James Morrison, - - - - -	26,200 00
Oliver S. Truesdell, - - - - -	25,672 00
A. Keefer, - - - - - -	26,350 00

Up to the time when the contract was let to James Morrison, (April 17, 1838) the expenditures for steam mill, erection of dwelling houses, purchase of materials, cattle, horses, provisions, &c., amounted to $22,175 02.

During the progress of the work, the laborers on the Capitol under the direction of the acting commissioner, were at times employed in the erection of buildings for *individuals*, at Madison, for which the Territory is credited $1,293 69. Sometime in April, 1838, a sale of the steam mill, and other property, *said to belong to the Territory*, was made, a schedule of which is herewith submitted, marked B., amounting to the sum of $8,882 55. This amount deducted from the expenditures of the commissioners, would make the basements story of the Capitol cost $11,999 78. The committee have made a critical examination of the vouchers for expenditures made by the commissioners, and find the sum of $5,292 27 in the name of "A. A. Bird;" the balance being for labor performed, provisions, cattle, horses, &c., purchased in the name of "A. A. Bird, acting commissioner." Of the whole sum with which the Territory is charged, vouchers were produced as above stated, for the sum of $21,029 88, leaving the sum of $1,145 14, sustained by the evidence of the acting commissioner only.

From the testimony produced before the committee, it appears, that the acting commissioner adopted the practice of drawing on the treasurer, J. D. Doty, for the payment of materials, labor, &c., and that his drafts were paid, in bills of the Bank of Wisconsin. From the statement of A. A. Bird, it also appears that the steam mill cost $5,840 00, and that the following property was purchased at the prices hereinafter named, to wit:— 4 pairs oxen, 1 wagon, and 2 chains, $460 00; 1 horse, $100 00; 1 wagon, $80 00; 10 gallons brandy, $20 00; 1 pair oxen, $15 00; 1 horse, (drowned) $100 00; 1 cooking stove and pipe, $79 00; 10 pair blankets, $90 00; 1 shingle machine, $150 00; also, that the sum of $119 50 was paid E. Peck, for going to Green Bay, after money. From an examination of the accounts and vouchers produced by the acting commissioner, it was impossible for the committee to ascertain the *actual* cost of the steam mill, and from the accounts of sales of property rendered, it appears that there has been a loss on the foregoing enumerated articles, of from six to eight hundred dollars. Of the property purchased, there now remains in the hands of the acting commissioner, one skiff, two scows, one log house, and one patent clock. The shingle machine mentioned above, has never been used for any valuable purpose, as will appear by the testimony of William A. Wheeler, in document E.

The committee herewith submit (in document E.) the evidence taken during the investigation, and without expressing an opinion in relation to the proper measures to be adopted by the legislature, ask to be discharged from the further consideration of the subject.

WILLIAM A. PRENTISS,
JAMES MAXWELL,
JOHN W. BLACKSTONE,
J. W. CONROE,
J. H. D STREET.

E.

In reply to the enquiries of the Committee, Augustus A. Bird made the following statements.

That the Commissioners met at Mineral Point on the fourth day of May, A. D. 1837, agreed upon and adopted a plan of the building to be erected for a Capitol, and estimated the cost thereof from forty to forty-five thousand dollars.

That the commissioners did not immediately advertise to receive proposals for the erection of said building, agreeably to the provisions of the act by which they were appointed, because they were ignorant of the facilities for building at Madison, and they were of opinion that it could be built much cheaper than any one would be willing to contract to do it. They, therefore, in the exercise of their *discretionary powers,* concluded to *commence* and *continue* the work until they were able to ascertain how it could be done with the *least expense,* and to the best advantage to the Territory.

That they did not conclude whether they would build the Capitol of brick or stone until some time in September, 1837, and immediately thereafter advertised that they would receive proposals for the erection and completion of the same, and received the following proposals.

Of Wm. A. Kellogg, dated Nov. 11, 1837,	$36,800 000.
" Cornelius Van Buren and others, Oct. 25, 1837, - - - - -	47,676 45
" Wm. Payne, Nov. 7, 1837, - - -	42,500 00.

Mr. Bird further states that in accordance with a joint resolution of the Council and House of Representatives, convened at Burlington, the Commissioners again advertised for proposals sometime in the month of March, 1838, and received the following proposals.

Of John P. Areman, dated April 8, 1838,	$125,000 00
" James Morrison, dated April 4, 1838,	26,200 00
" John Mitchell, and John A. Lowbar, dated April 4, 1838,	28,670 00
" Windsor Atchison, dated March 8, 1838,	25,000 00
" Olin S. Trudesdell, dated April 7, 1838,	35,672 00
" Wm. C. Waters, dated Milwaukee, April 8, 1838,	24,450 00
" C. J. Coon, for carpenter and joiner work,	11,500 00
" A Keefer, dated April 8, 1838,	26,350 00

That they did not let the contract to the lowest bidders, because they were not acquainted with the persons making the same, and no security by them offered.

Mr. Bird, further said, that he left Milwaukee with thirty-six men, and arrived in Madison the 11th of June, 1837.

Questions by the Committee to A. A. Bird.

Ques. When was Mr. Doty chosen Treasurer?

Ans. Some time in the latter part of March, 1837, am not positive but that it might have been in the early part of April.

Ques. Were the three Commissioners all present at the time Doty was elected Treasurer?

Ans. No. Mr. Doty and O'Neil transacted the business, and they wrote to me from Mineral Point, giving information of what had been done and asking my consent to the same, which was given by the next mail.

Ques. Did Mr. Morrison ever put in more than one bid or proposal for building the Capitol?

Ans. No.

Ques. Did you ever call for security of those persons who *under-bid* Mr. Morrison?

Ans. No. We did not know who they were.

Ques. Was the bid that Mr. Morrison put in, the one at which he took the job, viz. $26,200?

Ans. Yes.

Ques. Can you give a detailed account or statement of the cost of the Steam mill?

Ans. I cannot, but there is a statement in the hands of Mr. Doty, shewing *all the items* and the amount.

Ques. What was the whole cost of the mill?

Ans. The amount for which it was sold to Mr. Morrison; viz. Five thousand eight hundred and forty dollars.

Ques. Was two hundred dollars all that the Catfish bridge cost?

Ans. No. I gave two hundred dollars on contract, and furnished a team and driver to do all the hauling. Think it was worth about twelve dollars.

Question. How far advanced was the Capitol at the time you made your report at Burlington?

Answer. The walls were built up to the water table, which was not quite finished.

Question. Was any thing more done to it when Mr. Morrison took the contract?

Answer. No.

Question. How many hands had you employed from the time you made that report, or about the 25th of November, 1837, to the time Mr. Morrison took the job?

Answer. Cannot exactly tell. I employed several hands for but a short time, in all it might amount to about ten steady hands?

Question. What was their employment?

Answer. Finishing, furnishing, and running the steam mill.

Question. How many carpenters had you amongst your hands?

Answer. Three.

Question. What was their employment?

Answer. Finishing the mill; they did some work for Charles H. Bird.

Question. After the time of making your report, was there any team work done for any person with the team that you had bought for the Territory?

Answer. There was some hauling done for Chas. H. Bird and Zenas Bird. None other to my knowledge.

Question. How long was the property advertised before the day of sale.

Answer. One week.

Question. Why was not a longer notice given?

Answer. Because we wished to sell the property in time to furnish the contractor, believing it would be worth more to him than to any one else.

Mr. A. A. Bird made the following communication to the committee:

Messrs. of the Committee:

Sirs:—The following property still remains in the hands of the commissioners:

One Log House, one skiff, and two scows, of which by contract by the commissioners with James Morrison, the contractor, the said Morrison was to have the use of them until the contract was completed. Also one patent clock now in the hands of the commissioners which was retained for the use of the office.

A. A. BIRD,
Act'g Commissioner.

Madison, February 15, 1839.

EVIDENCE.

Josiah Pierce.—Sworn.

Question. Was you employed in any way by the commissioners in the erection of the Capitol?

Answer. Yes. I was employed to keep a boarding house and board the workmen.

Question. In what way did you keep boarders?

Answer. I was employed by the month with my family, and every thing was furnished by Mr. Bird.

Question. Were the provisions purchased by the commissioners left in your charge?

Answer. They were a part of the time.

Question. Were all the boarders that you had workmen employed by the commissioners?

Answer. No. I had several other boarders at different times.

Question. Who were they?

Answer. Mr. Tower was one; do not recollect who they all were.

Question. Was any account kept of their board?

Answer. Do not know.

Question. Were any persons in the habit of getting provisions of the commissioners?

Answer. Yes.

Question. Who were they.

Answer. Chas. H. Bird, Prosper Bird, and some others, frequently had provisions.

Question. How much provisions did Chas. Bird have?

Answer. Cannot tell; he had things frequently, and when loads of provisions were brought in, part was left with him, and the remainder with me.

Question. How much did Prosper Bird have?

Answer. Should think he had all the provisions for his family?

Question. Did they have things that were not charged to them?

Answer. They sometimes took things without weight or measure, and no account was made of them to my knowledge.

Question. Did the members of their families take provisions without rendering an account?

Answer. Yes. Prosper Bird's son was in the habit of getting potatoes without measure. I reproved him for so doing, and he replied that "Uncle Bill got potatoes without measure and he might."

William A. Wheeler—Sworn.

Question. Did you have charge of the commissioners' business while Mr. Bird was gone to Burlington?

Answer. I had charge of the mechanics only.

Question. What number of mechanics were there?

Answer. Four. There were also three laborers and one teamster?

Question. How much did the hands work for Chas. Bird?

Answer. About sixty-two days. I had the keeping of the account of a part of it, but not all.

Question. Was there any hauling done for him about home?

Answer. Yes. Such as hauling wood, water, lumber, timber, &c. Also he had two yoke of oxen to go to Mineral Point twice, five days each time.

Question. Was there any window sash made for Chas. Bird?

Answer. Yes. Do not recollect whether they were included in the sixty-two days' labor, but think not.

Question. Did you ever hear Chas. Bird call the horse bought of Mr. Brigham his own?

Answer. Yes. After the horse was drowned he said that he had but lately bought it, and the loss of both would just about use up his summer's earnings.

Question. What was the employment of the hands about the mill?

Answer. Finishing the mill and getting logs.

Question. How much lumber did it cut while the commissioners run it?

Answer. Do not know.

Question. Did you keep an account of the work done on the mill after Bird went to Burlington?

Answer. I did.

Question. Were the workmen employed on the mill all the time they were not to work for Chas. Bird?

Answer. Yes, except making two sleds.

Question. What did the steam mill cost?

Answer. Do not know.

Question. Did any person take lumber from the mill without giving an account of it?

Answer. Yes. There was lumber taken away of which there was no account made.

Question. What building was the lumber used on, before Mr. Morrison took the mill?

Answer. Upon the Madison Hotel and a building now occupied by Morrison as a store, and perhaps some others.

Question. Was there not a book kept in the mill and an account of all the sales of lumber entered in it?

Answered. Yes, there was a book in which I had orders to charge all the lumber that I sold or let go to any one.

Question. What teams hauled the lumber for Chas. Bird's house?

Answer. The teams belonging to the Government.

E. H. Nelson—Sworn.

Question. Was you employed as a laborer on the Capitol?

Answer. I was.

Question. What do you know of the horse bought of Mr. Brigham?

Answer. Chas. Bird called it his. I never heard any thing to the contrary until after it was drowned.

Question. How much hay did Chas. Bird have of Commissioners?

Answer. Do not know.

Question. Did you have charge of the cellar where the *Public Provisions* were stored?

Answer. I did.

Question. Who was in the habit of going into the cellar and getting provisions?

Answer. There was some fault found with me for carrying the key of the cellar with me, by Chas. Bird, and those in his employment, I afterwards left the key at his house, and they had free access and took provisions whenever they pleased.

Question by A. A. Bird.

Did you ever know that Mr. Potter or Mills went into the cellar after potatoes?

Answer. Yes. There was a small quantity of potatoes in one corner of the cellar, said to belong to Mr. Mills, and they used to get them frequently.

J. S. Potter—Sworn.

Question. Was you employed to work on the Capitol in 1837?

Answer. I was, two or three months.

Question. Did you work on any other buildings?

Answer. I did.

Question. How long did you work on the Schermerhorn House?

Answer. Cannot tell.

Question was there an account kept of the work done on that house?

Answer. Do not know that there was?

Question. Did Mr. Bird take the hands off from the Capitol and set them to work on other buildings?

Answer. It was sometimes the case that he did?

Question. What do you suppose the Schermerhorn house cost?

Answer. Should think it cost nine hundred dollars, probably more.

Question. Was any enquiries ever made of you as to the time you had worked on different jobs?

Answer. There never was.

DARWIN CLARKE—Sworn.

Question. Was you employed to work on the Capitol, and how long?

Answer. I was employed on the 30th day of May, 1837, and continued until the 20th of April, 1838.

Question. What buildings other than the Capitol did you work on?

Answer. When we arrived here from Milwaukee, I was employed to assist in erecting, first, the dwelling house now occupied by Mr. Hyer. Second, the house occupied by Mr. Morrison as a store house. Third, tne Commissioners' office. Fourth, the Schermerhorn house. And I also did some work on that part of the boarding house formerly occupied by Chas. Bird, that was erected in the winter.

Question. Was there any enquiries made of you as to the time you spent on different jobs?

Answer. Think I was enquired of once or twice by Mr. Eastman. his foreman.

Question. What do you think the Schermerhorn house cost?

Answer. About eight hundred dollars?

Question. Do you know that there was any account kept of the work done on the different jobs?

Answer. Do not, but have understood there was.

Question. What was your employment while Mr. Bird was gone to Burlington?

Answer. My work was generally on the mill, did some work for Chas. Bird.

Question. What wages did you receive?

Answer. Two dollars and twenty-five cents per day.

Question. How much did you work for Charles Bird?

Answer. Do not remember.

Question. Was there any carpenter work done on the Capitol before the contract was let to Mr. Morrison?

Answer. I believe there was some square timber prepared and a few door and window frames made for the basement story.

GEORGE VROMAN—Sworn.

Question. How long was you employed to work on the Capitol?

Answer. From the 5th day of September, 1837, to the 6th day of March, 1838.

Question. What number of days did you work on the Schermerhorn house?

Answer. About eighteen or twenty.

Question. Did you work on any other building?

Answer. Yes, on Charles Bird's house.

Question. How much do you think the Schermerhorn house cost?

Answer. About eight hundred dollars.

Question. What was your employment when Mr. Bird was gone to Burlington?

Answer. Worked some on the mill and some for Chas. Bird.

Question. Did you work parts of days on different buildings?

Answer. Yes, I worked parts of days on the Schermerhorn house, and then on the mill and other buildings, and frequently changed about in a very irregular manner.

Question. Was you ever enquired of as to the amount of labor on different buildings?

Answer. Never was.

Question. What wages were you to receive through the winter?

Answer. Two dollars per day.

PROSPER BIRD—Sworn.

Question. Was you present when the bids were put in for doing the work on the Capitol?

Answer. I was in town.

Question. Did you ever say that it was a poor bidder that could not put in the right bid at three trials?

Answer, Perhaps I might.

Question. Do you know whether there was any distinction made between labor done on the Capitol and on the other buildings?

Answer. I have no positive knowledge. I was frequently in the office Saturday nights, when Mr. Eastman was making out his accounts of work done through the week; but never heard any distinction made as to the different places where the work was done.

JOHN CATLIN—Sworn.

Question. What amount of work did A. A. Bird do for you in the summer of 1837?

Answer. He did work to the amount of $218, including some materials for building.

Question. Was the work done by the laborers on the Capitol?

Answer, Cannot tell, but believe it was.

Question. What quantity of lumber did you purchase of A. A. Bird, in March, 1838?

Answer. Do not recollect.

SIMEON MILLS—Sworn.

Question. What do you know in relation to Charles Bird going to Mineral Point in December, 1837, for a mill saw?

Answer. At the time alluded to, I went to Mineral Point with Mr. Bird—believe he bought a mill saw of James M. Kane & Co.. and know that he brought back a load of provisions for himself.

Question. What do you know of his going to Chicago for a mill crank?

Answer. I recollect that when he went to Chicago for a mill crank, that Zenas Bird went with him to Milwaukee—that they, one or both of them, purchased a load of merchandise in Milwaukee, and brought back with the crank. Do not know how much—was informed by Zenas Bird that he purchased the goods.

Question. What do you know of the horse purchased of Brigham, said to be for the Territory?

Answer. The first time I ever saw the horse was at Green Bay—Charles Bird then had it, and in conversation respecting it he said that his brother Augustus and himself had bought the horse of Mr. Brigham, for one hundred dollars, and they owned it together.

Question. What do you suppose the Schermerhorn house cost?

Answer. I built a house nearly the same size and about the same time. I believe it could not have cost less than $800, besides the out-house, which might have cost $75 more.

Question to Mr. Wheeler.

Was you here when the steam mill was sold to Mr. Morrison?

Answer. I was when I supposed it was sold.

Question. Do you know whether there are any other persons interested with him in the mill?

Answer. I know that when Mr. Bird informed me that the contract was let to Mr. Morrison, he also informed me that the bargain previously made between him and me would be good, and that the business would go on as usual; he should superintend it as before.

Question. What do you know of a shingle machine bought by Mr. Bird for the Territory?

Answer. Understood that he gave one hundred and fifty dollars for it.

Question. Was any thing done to it after it was bought?

Answer. Yes, the frame was rebuilt.

Question. What was the expense of rebuilding it?

Answer. Should think about one hundred dollars.

Question, Where is it now?

Answer. In the steam mill.

Question, Has it ever been used?

Answer. I should think it cut about fifteen hundred shingles.

Question. Did you ever hear Mr. Bird say that there were lower bids than Mr. Morrison's.

Answer. In conversation with Mr. Bird, he said there were lower bidders than Mr. Morrison, but that they knew bette than to let them have the job. I asked him if the man had got it that suited them, he replied, "O yes, we looked out for that, and see that the right man got it."

Question. What quantity of lumber was on hand when Mr. Morrison took the contract?

Answer. At the request of Mr. Bird, I made an estimate of it in a pile, and should think there was between forty and fifty thousand feet.

Questions by A. A. Bird.

Have you ever said that you would injure me in person and property if you had an opportunity, if it cost you every thing you had?

Answer. I never have.

Question. Have you ever said any thing to that purport?

Answer. No.

Questions to Mr. Nelson.

What wages did Mr. Bird agree to pay you?

Answer. Twenty dollars per month.

Question. Did you receive it?

Answer. No, he refused to give me more than about $17 per month.

Question. What reason did he give?

Answer. That I did not work well.

Questions to S. Mills.

Do you know whether Mr. Bird employed any other workmen than those that were engaged to work on the capitol?

Answer. I never knew or heard that he did.

Question. Do you know whether Mr. Bird used any materials in the buildings that he erected at Madison except what were purchased for the Territory?

Answer. I have no knowledge that he made use of any lumber or other materials but such as were purchased by the commissioners for the Territory. There were some pine lumber, nails, and glass, used in the Schermerhorn house, which I understood belonged to the Territory.

Questions by A. A. Bird.

Do you know that I purchased lumber of John B. Skinner?

Answer. I once heard Mr. Skinner say something about some lumber that he had sold you, and think I recollect his bringing one load.

E. BRIGHAM—Sworn.

Question. Did you ever sell a horse to the commissioners?

Answer. Yes.

Question. What price did you get for it?

Answer. One hundred dollars.

Question. Who got the horse of you?

Answer. Charles Bird—A. A. Bird paid me for it.

E. PECK—Sworn.

Question. What was the amount of your account against the Territory, and what was it for?

Answer. Principally for boarding hands and teaming from Mineral Point and Fort Winnebago.

Question. Was part of the account for Champaigne, Wine, and Brandy?

Answer. Yes. A small part of it not to exceed fifteen or twenty dollars.

Question. Who used the Brandy and Wine?

Answer. The hands. Mr. Bird called with the hands and treated it out. Sometimes he paid for the liquor out of his own pocket, but there was fifteen or twenty dollars put into the account for liquors.

Question. How many days were you going to Green Bay after money?

Answer. Eleven, and received $75 and my expenses.

Question. Of whom did you receive the money at Green Bay?

Answer. I got it out of the bank on the order of A. A. Bird. The amount was between four and five thousand dollars; saw it counted—it was before Mr. Morrison took the contract.

Question. What kind of money were the hands paid in?

Answer. Generally in Wisconsin paper. I was paid in the same, and do not recollect that I ever received any other kind.

Question. Did you ever sign a receipt for the money got at the Wisconsin Bank?

Answer. Yes, as agent for the commissioners.

Question. What length of time was Mr. Bird absent in 1837?

Answer. He was absent considerable—should think not more than two weeks at a time, perhaps not so long.

Question. Who appeared to have the control of the hands since Mr. Morrison took the contract?

Answer. Mr. Bird.

Question. What time was it that Mr. Bird got the liquors?

Answer. Previous to Mr. Morrison's taking the contract.

Question. What were the loads you hauled generally?

Answer. Provisions.

Question. What was the common price for teaming by the day?

Answer. Five or six dollars.

Questions to Prosper Bird.

What do you think the Schermerhorn house cost?

Answer. Ten or twelve hundred dollars probably—cannot exactly tell—suppose the back house cost forty or fifty dollars more.

Question. What do you know relative to the horse bought of Mr. Brigham?

Answer. I think Charles Bird got the horse. He talked of purchasing it—thought he could not do better, must have a horse, had the right to keep it at $100, or return it. This Charles Bird told me.

Question. Have you been much about the Capitol since Mr. Morrison took the contract?

Answer. Yes.

Question. Who had the control of the hands and building?

Answer. A. A. Bird. Mr. Morrison has been here but very little, and Mr. Bird either kept the accounts or had them kept by his orders—they were rendered at Morrison's store.

Questions by A. A. Bird.

Do you know of my getting lumber of Mr. Rooney, for the Schermerhorn house?

Answer. Mr. Eastman told me that you had some lumber of Mr. Rooney, about 500 or 600 feet dry white pine.

Question. Did Mr. Rooney tell you that I had some lumber of him in the spring of 1838?

Answer. Yes, he told me you had some inch pine boards.

Question. Do you know the size of the Schermerhorn house?

Answer. Do not know the exact size.

W. N. SEYMOUR—sworn.

Questions by A. A. Bird,

What time did you come to Madison?

Answer. About the 29th day of January, 1838.

Question. Was you employed by me to keep the accounts of the public works?

Answer. Yes.

Question. Where did you get the accounts that you copied to my books?

Answer. I took them from a small book given me by Mr. Wheeler.

Question. What was said of some work done for Charles Bird?

Answer. Mr. Wheeler said it was done by Clark, Vroman and Whitesides.

Question. Did you keep the accounts from that time on?

Answer. Yes.

Questions by the Committee,

Is the book here presented the only book that you kept?

Answer. No; there was a small *blotter*, a *leger*, a *work* book and a lumber book.

Question. Did you ever keep an account of the day's work?

Answer. The work was all entered in a book at the end of each week.

Question. Were any questions asked as to the amount of work done on different jobs?

Answer. Do not recollect that there were. There was no work done except on the mill and Capitol after I came here.

Question. In what manner were the provisions sold?

Answer. At cost and transportation.

Question. What do you know of the sixty bushels of potatoes charged to Chas. Bird, March 9, 1839?

Answer. They were the potatoes that Chas. Bird had of A.

A. Bird the commissioner, through the winter at different times, and computed at sixty bushels.

Questions by the committee to A. A. Bird,

Who kept the account of the potatoes through the winter?

Answer. Chas. Bird's hired man.

Z. H. BIRD—sworn.

Questions by A. A. Bird,

Did you work on the Schermerhorn house?

Answer. I did between three and four weeks.

Question. Did you do any work for Commissioners besides that house?

Answer. I did.

Questions by Committee,

At what time did you work on the Schermerhorn house?

Answer. In September, 1837. My work was siding and shingling.

Question. Who worked on the house at the ſame time?

Answer. Thornton and Tinline.

CHAS. S. PEASLIE—sworn.

Questions by A. A. Bird,

Was you present when Charles Bird returned from Chicago with the mill cranks, and what was said about the horse that was drowned?

Answer. I was. In speaking of the horse to his mother, Chas. Bird said that he had much rather it had been his horse Skip, than the one that belonged to the Government, as there would probably be some dissatisfaction about it.

Question. How many goods were brought from Milwaukee for Z. H. Bird at the same time?

Answer. One box and some light articles, do not know what they would weigh.

Questions by Committee,

Did Chas. Bird use the horse until it was drowned and call it his?

Answer. He did.

Question. Previous to that time did you ever hear him say that it belonged to the Government?

Answer. I never did.

No. 9.

Letter of the Hon. Secretary of War to Gov. Dodge, relating to the removal of the Winnebagoes.

WAR DEPARTMENT, *February* 14. 1839.

SIR:—In your message to the Legislature of the Territory of Wisconsin of the 22d of January last, I observe that you say, "unless the government takes the proper steps to effect the removal of the Winnebago Indians, early in the spring. I will assume the responsibility of raising a mounted volunteer corps of riflemen, (and head them in person,) sufficient to effect their removal from the Territory." These and similar declarations in your message lead me to suppose that you have not yet received advice of the intention of the government towards these Indians which I directed the commissioner of Indian Affairs to communicate to you.

From the late period of ratifying the treaty concluded with the Winnebagoes in November, that of its execution has fallen upon a season of the year when the movement of troops must be tardy and expensive, and when the removal of the Indians would be attended with risk and serious inconvenience to them. This department therefore resolved to postpone carrying into effect this provision of the treaty, until the necessary means can be taken to ensure its effective and peaceful execution.

Another motive to postpone their removal arose from the well known reluctance of those Indians to remain in the neutral territory allotted to them by the treaty, where they apprehend, and not without some reason, that they will be exposed to the assaults of the hostile tribes of the Sioux on the one side, and the Sacs and Foxes on the other, a state of things which will compel the government to keep constantly within that territory, a considerable force for their protection. It is, therefore, the intention of the department to send an exploring party early in the spring to select some more suitable place of abode for this tribe south of the Missouri, and then to take all the precautionary measures which may be deemed expedient to remove them as early as practicable thereafter to their permanent homes.

These precautions will consist chiefly in assembling a sufficient force in the vicinity to convince the Indians of the utter hopelessness of resistance and of the absolute necessity of fulfilling their treaty stipulations in good faith. It has heretofore been the policy of this department since I have administered it, by measures taken in advance to insure in every instance not only the peaceful execution of Indian treaties, but to effect the removal of the tribe with as little suffering and inconvenience as the nature of their involuntary emigration would admit. The successful result of these measures has been in a great degree due to the ready co-operation of the officers of government engaged in their execution and I cannot persuade myself that when you are made fully acquainted with the views and intentions of the government you will run the risk of thwarting them or unnecessarily and prematurely bringing on hostilities with the Winnebagoes by any act of violence or by attempting to remove them until you receive instructions to that effect from this department.

Very respectfully,

Your ob't. serv't,

J. R. POINSETT.

His Excellency, H. DODGE, &c.

No. 9.

SECRETARY'S OFFICE, *March* 11, 1839.

To the Hon. the Legislative Assembly:

GENTLEMEN:—I herewith present you a number of the National Intelligencer containing some remarks which the Hon. J. D. Doty has thought proper to make in his place on the floor of Congress, from which it would seem that I have utterly disregarded the interests of the Territory, and grossly neglected my official duties.

The causes which led to my absence last summer, I believe, are well known to your honorable body, and I have the satisfaction of believing, approved by a large majority.

If your honorable body will refer to act No. 31, and resolution No. 2, of the printed laws, you will perceive it was not my duty to prepare, to publish, or to distribute the laws of the Territory.

Since it was the duty of others to perform these services, by Legislative enactment, your honorable body will see the propriety of defending me against unjust aspersions.

I have the honor to be,

Very respectfully,

W. B. SLAUGHTER,

Secretary Wisconsin Territory.

Memorial No. 1.

To the Hon. the Secretary of War of the United States:

The memorial of the Legislative Assembly of Wisconsin Territory, respectfully represents that, from sundry indications, it is feared there may be, during the course of the ensuing season, serious difficulties with the Winnebago Indians, as they appear determined, and are supposed to be making preparations to sustain themselves in this determination, not to leave the country which they have ceded to the United States, in accordance with treaty stipulations. It has been several years since the country bordering on Rock river was ceded to the government; and yet the Indians continue to occupy it, contrary to express treaty stipulations, and much to the annoyance of this portion of the Territory, whose property is a constant object of depredation, and whose lives, it is apprehended, may be endangered. The Indians also, it is anticipated, will refuse to abandon the country north and west of the Wisconsin river, ceded to the United States by treaty approved on the 15th of June, 1838, a provision of which treaty requires the Winnebagoes to remove west of the Mississippi, in eight months from the ratification of said treaty. This time expires on the 15th of February next; and from the present apparent unwillingness of the Indians to accede to the provisions of the treaty, as far as removing is concerned, it is believed, by your memorialists, that it will be necessary to take some decisive and energetic steps in order to effect their removal speedily and peaceably.

In relation to the Winnebagoes occupying the country bordering on Rock river, the Executive of this Territory has lately received several written communications from Watertown, situated on upper Rock river, in this Territory, that the tribe alluded to, have, for the last month, been collecting in a body at or near Hustis' Rapids, in Dodge county; that they are committing depredations on the property of the inhabitants, and have made threats that they would drive them from their homes; that one hundred Indians passed Watertown, on the first of January last, and that two-thirds of them were provided with rifles, provisions, and horses; that they had recently erected a large building at the Rapids on Rock river, said to be eighty feet in length, that would contain three hundred berths; and that the Indians themselves stated that from three to four hundred have crossed the Mississippi with the intention of returning to the upper Rock river. The inhabitants of this portion of the Territory are represented as being in a state of alarm in consequence of these suspicious movements on the part of the Winnebagoes.

The slightest ground of apprehension should, your memorialists believe, induce the Government immediately to take the necessary precautionary measures, in order promptly to effect the removal of the Indians, and to protect and preserve the lives and property of settlers, who certainly have a just and strong claim upon the protection of the government, upon whose domain they have been encouraged to settle.

Were no fears entertained of a serious or general rupture with these Indians, it would nevertheless be important not only to the interests of Wisconsin, but the government itself, as far at least as the preservation of the integrity of treaty stipulations is concerned, that they should be removed.

It is important to the interests of the Territory, because its inhabitants residing in the country formerly owned and now occupied by the Winnebagoes, are constantly suffering from Indian depredations, in the destruction of their property. In many sections, the settlers find it impossible to keep any kind of live stock. Horses are stolen and cattle are killed, and proper redress is difficult to be obtained. As long as these Indians are permitted to remain, and depredations are committed—as long as property is so insecure, and there is the slightest apprehension of Indian difficulties, emigration to this country, whatever may be its natural advantages, cannot be expected to be very great.

It is important to the government that treaty stipulations should be rigidly preserved and enforced. If they are suffered to be disregarded with impunity, not only the inhabitants of the Territory, who were induced to emigrate, relying upon the protection of the government, but the Indians themselves will lose all faith in our public authorities, and treaties may be considered a dead letter, from a want of disposition or ability on the part of the government to enforce their observance. If energetic and measures sufficiently strong are immediately taken to remove the Indians, your memorialists believe that their removal may be effected with little or no trouble, and much and probably protracted difficulty prevented. Nothing would have a tendency so greatly to injure the interests of the Territory, as the commencement of an Indian war, and this consideration, taken in connexion with the expense of blood and treasure on the part of the government, which must be incident to such a war, should induce the government to take any and every proper step, in order, if possible, to prevent a calamity so much to be dreaded; every thing is to be gained by immediate and energetic action, while much may be lost by delay.

Your memorialists, being very anxious that necessary precautionary measures should immediately be taken, and that the citizens of our Territory may, in case of emergency, be placed in a proper condition at least to defend themselves, would most respectfully memorialize the department, of which you are the chief, to order at least four companies of dragoons, with the least possible delay, to Fort Winnebago, for the purpose of collecting the Winnebago Indians, and forming an escort for their removal to the west of the Mississippi; and your memorialists would further pray that one thousand stand of arms, one-half rifles, and the other muskets with fixed ammunition prepared for them, be forwarded as early in the season as the navigation of the Mississippi will permit, to Fort Crawford. Said arms to be subject to the order of the Governor of this Territory.

Memorial No. 2.

To the Hon. the Senate and
House of Representatives of the United States:

The memorial of the Council and House of Representatives of the Territory of Wisconsin sheweth, that whereas the Hon. James D. Doty, delegate to Congress from Wisconsin, did, on the fourteenth day of January, 1839, introduce a resolution to change and limit to shorter periods the tenure of certain officers therein named, and whereas, the committee on Territories did, on the 22d of January last, report a bill in pursuance of said resolution entitled "A bill to amend the act establishing the Territory of Wisconsin."

Now, your memorialists, with due deference to the wisdom of Congress and with a firm belief that the only object of the government is to promote the welfare of the Territory, would suggest the propriety of so far amending the bill, as only to compel the officers therein named to keep an office at the seat of Government, and not oblige them to reside there. The expenses of living and the derangement of their affairs, which will be caused to the persons now holding the several offices, and the sacrifices that must follow, will be a burden that they ought not to bear, since the public interest does not require it. The country about the present seat of government is new and uncultivated, and affords few or no comforts or conveniences for families. Consequently, the expenses must be increased to such an extent that the salaries of the several officers would not be sufficient to defray them.

Secondly, to strike out that part of the bill which declares an absence from the Territory of twenty days, without leave, to be a forfeiture of the several offices. In our opinion no good reason can be given for such a resolution. The President now has it in his power to remove these officers at pleasure, and will at any time exercise that power when any of them shall so far forget his duty as to be absent without leave to the prejudice of the people or the government. There may be, and does frequently occur instances, which require these citizens to be absent for this space of time, and consequently they would either be obliged to give up the office, or sacrifice their individual interest even when no evil would be caused to the community. The vacating of these offices upon such short notice must and would derange the affairs of the government to a much greater extent than any possible evil, that could or has ever happened under the present arrangement.

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